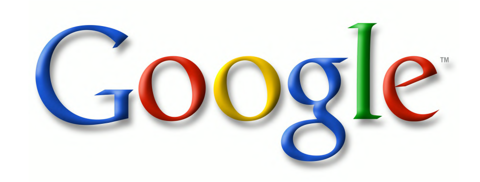

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The Gift of
Hon. J. C. Aikins
Secretary of State.
14 May, 1880.

For true title-page of vol. see after cx., contents [illegible]

ACTS

OF THE

PARLIAMENT

OF THE

DOMINION OF CANADA.

PASSED IN THE

FORTY-FIRST YEAR OF THE REIGN OF HER MAJESTY

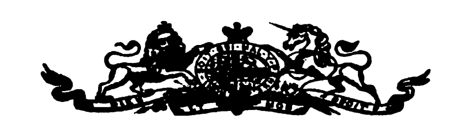
QUEEN VICTORIA,

AND IN THE

FIFTH SESSION OF THE THIRD PARLIAMENT,

Begun and holden at Ottawa, on the seventh day of February, and closed by Prorogation on the tenth day of May, 1878.

RESERVED.



HIS EXCELLENCY

THE RIGHT HONORABLE, SIR FREDERICK TEMPLE, EARL OF DUFFERIN,

GOVERNOR GENERAL.

OTTAWA:
PRINTED BY BROWN CHAMBERLIN
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY,
ANNO DOMINI, 1879.

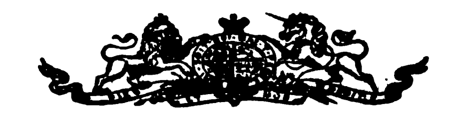
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(1878.)



41 VICTORIA.

CHAP. 46.

An Act for the relief of Hugh Hunter.

[*Reserved for the signification of Her Majesty's pleasure,* 10*th May,* 1878; *Royal Assent given* 29*th June,* 1878, *and proclaimed* 17*th August,* 1878.]

WHEREAS Hugh Hunter, of the Township of Egremont, in the County of Grey, in the Province of Ontario and Dominion of Canada, farmer, has, by his petition, humbly set forth that he and Catherine Hunter, formerly Catherine McPhee, are both British subjects and residents of this Dominion, and that a marriage was in due form of law had and solemnized between them on the seventeenth day of February, in the year of our Lord one thousand eight hundred and seventy-four; that at the end of two weeks after the said marriage, the said Catherine Hunter deserted her said husband and eloped with one Andrew Tait, with whom she has ever since lived, and now lives, in adultery, at Toronto, in the said Province, and has borne children to the said Andrew Tait; and whereas the said Hugh Hunter has prayed that he may be divorced *à vinculo matrimonii* from his said wife; and whereas the said Hugh Hunter has made proof of the facts above recited, and it is expedient that the prayer of the said petitioner should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The said marriage between Hugh Hunter and the said Catherine Hunter, his wife, shall from henceforth be null and void; and the same is hereby declared, adjudged and enacted to be null and void to all intents and purposes whatsoever. His marriage annulled.

2. It shall and may be lawful for the said Hugh Hunter hereafter to contract matrimony with any other woman with whom he might lawfully marry in case the said marriage had not been solemnized. Hugh Hunter may marry again.

CHAP

CHAP. 47.

An Act for the relief of Victoria Elizabeth Lyon.

[*Reserved for the signification of Her Majesty's pleasure*, 10*th May*, 1878; *Royal Assent given* 29*th June*, 1878, *and proclaimed* 17*th August*, 1878.]

Preamble. WHEREAS Victoria Elizabeth Lyon, of the City of Ottawa, in the County of Carleton and Province of Ontario, wife of John Lyon, of the same place, grocer, hath, by her petition, humbly set forth that, on the thirtieth day of October, one thousand eight hundred and sixty-two, she was lawfully married to the said John Lyon, at Christ Church, in the said City of Ottawa, by the Reverend J. S. Lauder; that the said John Lyon and Victoria Elizabeth Lyon lived together in married life until about the fifteenth day of March, one thousand eight hundred and seventy-five; that there were born of the said marriage seven children, five of whom are still living; that for some time previous to the said fifteenth day of March, the said Victoria Elizabeth Lyon was aware that the said John Lyon was living in adultery with several women, and that he has been so doing since; that about the said fifteenth day of March, the said Victoria Elizabeth Lyon discovered that the said John Lyon had contracted infamous disease, whereupon the said Victoria Elizabeth Lyon refused to further live or cohabit with the said John Lyon as his wife; that owing to the said facts, it became impossible for the said Victoria Elizabeth Lyon to continue the relation of married life with the said John Lyon; that since the said fifteenth day of March, one thousand eight hundred and seventy-five, the said John Lyon has wholly neglected and refused to support, or to provide for, the said Victoria Elizabeth Lyon and the children of the said marriage, and has wholly deserted them; that the said Victoria Elizabeth Lyon is desirous of having the said marriage dissolved, annulled, and put an end to, so that she may be free from the same, and enabled to contract marriage with any other person or persons with whom it would have been lawful for her to contract marriage if they, the said Victoria Elizabeth Lyon and John Lyon had not intermarried, that any children born of such future marriage be legitimate, and that the said Victoria Elizabeth Lyon do have the custody of her said children, the issue of her marriage with the said John Lyon; and whereas, it is proper and expedient that the prayer of the said Victoria Elizabeth Lyon should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Her marriage annulled. **1.** The marriage between the said Victoria Elizabeth Lyon and John Lyon, her said husband, shall be and the same is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

2

2. The said Victoria Elizabeth Lyon shall henceforth have the custody and care of the children of the said marriage, namely: John George Albert Lyon, Hubert Douglas Lyon, Matilda Agnes Lyon, Lyman Perkins Lyon, and Victor Harold Lyon. **She shall have the custody of her children.**

3. It shall and may be lawful for the said Victoria Elizabeth Lyon at any time hereafter to marry any other man, with whom she might lawfully marry in case the said first mentioned marriage had not been solemnized; and in the event of the said Victoria Elizabeth Lyon hereafter marrying, she and the man with whom she so marries, and the issue, if any, of such marriage, shall have and possess the same rights in every respect as if the said first mentioned marriage had never been solemnized. **She may marry again.** **Her rights and her husband's and children's in such case.**

CHAP. 48.

An Act for the relief of George Frothingham Johnston.

Reserved for the signification of Her Majesty's pleasure, 10*th May,* 1878; *Royal Assent given,* 29*th June,* 1878, *and proclaimed* 17*th August,* 1878.]

WHEREAS, George Frothingham Johnston, of the City of Montreal, Esquire, hath, by his petition, humbly set forth that on the twenty-fourth day of March, one thousand eight hundred and seventy-two, he was married to Charlotte Elsie McArthur without any antenuptial contract being entered into between them; that the said Charlotte Elsie McArthur was under his protection and authority and lived with him as his wife up to about the eighth day of October, one thousand eight hundred and seventy-six, when he discovered that she had been leading an irregular life and had been committing adultery with one Henry Julius Fisk within a year next preceding and up to and on that date; that the said Charlotte Elsie McArthur had by her conduct dissolved the bond of matrimony on her part; that thereupon the said George Frothingham Johnston left the house where he had been residing with the said Charlotte Elsie McArthur and had ever since continued to live apart from her; that the said George Frothingham Johnston forthwith instituted an action against the said Henry Julius Fisk under the number one thousand nine hundred and seventy-seven (1,977) in the Superior Court for the District of Montreal, charging him with his said adulterous correspondence with the said Charlotte Elsie McArthur, and claiming twenty thousand dollars on account thereof; that on the nineteenth day of December, one thousand eight hundred and seventy-six the said Superior Court rendered judgment in the said **Preamble**

cause

cause adjudging the said Henry Julius Fisk guilty of said adulterous correspondence, and condemning him to pay to the said George Frothingham Johnston the sum of one thousand dollars with interest and costs; and that there had been no collusion directly or indirectly on the part of the said George Frothingham Johnston relative to any act of adultery which had been committed by the said Charlotte Elsie McArthur; wherefore he humbly prayed that the said marriage might be dissolved so as to enable him to marry again, and that a Bill might be passed declaring the said marriage dissolved, null and void to all intents and purposes whatsoever, and the community of property existing between the said George Frothingham Johnston and the said Charlotte Elsie McArthur ended, and permitting the said George Frothingham Johnston at any time hereafter to contract matrimony and to marry any other woman he might lawfully marry in case the said marriage had not been solemnized; and further, that in case the said George Frothingham Johnston should again contract marriage and should have issue, such issue should be to all intents and purposes legitimate; and whereas it is expedient that the prayer of the said petition should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage annulled.

1. The said marriage between the said George Frothingham Johnston and Charlotte Elsie McArthur, his wife, shall be henceforth null and void to all intents and purposes whatsoever.

George F. Johnston may marry again.

2. It shall be lawful for the said George Frothingham Johnston, at any time hereafter to contract matrimony with any other woman with whom he might lawfully marry, in case the said marriage had not been solemnized.

Issue of any such marriage to be legitimate.

3. In case of the said George Frothingham Johnston again contracting matrimony with any person or persons with whom it would have been lawful for him to contract matrimony, if they, the said George Frothingham Johnston and Charlotte Elsie McArthur had not intermarried, and having any issue born to him by such person or persons, the said issue so born shall be and are hereby declared to be, to all intents and purposes, legitimate, and the rights of them the said issue and each of them, and of their respective heirs, as respects their and each of their capacity to inherit from any person or persons whomsoever, have, hold, enjoy and transmit all and all manner of property, real or personal, of what nature or kind soever, shall be and remain the same as they would have been, to all intents and purposes whatsoever, if the marriage between the said George Frothingham Johnston and Charlotte Elsie McArthur had not taken place.

Their rights as such.

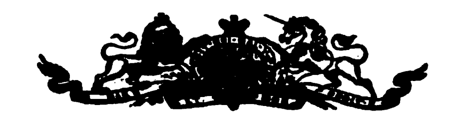
TREATIES

BETWEEN

HER MAJESTY THE QUEEN

AND

FOREIGN POWERS.



OTTAWA:
PRINTED BY BROWN CHAMBERLIN,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY,
ANNO DOMINI, 1879.

TREATIES.

TREATY BETWEEN HER MAJESTY AND THE FRENCH REPUBLIC.

At the Court, at Windsor, the 16*th day of May*, 1878.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act of Parliament made and passed in the Session of Parliament holden in the thirty-third and thirty-fourth years of the reign of Her present Majesty, intituled "An Act for amending the Law relating to the Extradition of Criminals," and also by an Act of Parliament made and passed in the Session of Parliament holden in the thirty-sixth and thirty-seventh years of the reign of Her present Majesty, intituled "An Act to amend the Extradition Act, 1870," it was, amongst other things, enacted that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient;

And whereas a Treaty was concluded on the fourteenth day of August, one thousand eight hundred and seventy-six, between Her Majesty and the President of the French Republic, for the Mutual Extradition of Fugitive Criminals, which Treaty is in the terms following:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the President of the French Republic, having recognized the insufficiency of the provisions of the Treaty concluded on the 13th of February, 1843, between Great Britain and France, for the reciprocal extradition of criminals, have resolved, by common accord, to replace it by another and more complete Treaty, and have named as their respective Plenipotentiaries for this purpose, that is to say:—

Extradition Treaty with French Republic.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Richard Bickerton Pemell, Lord Lyons, a Peer of the United Kingdom of Great Britain and Ireland, Knight Grand Cross of the Most Honorable Order of the Bath, one of Her Britannic Majesty's Most Honorable Privy Council, and Her said Majesty's Ambassador Extraordinary and Plenipotentiary to the Government of the French Republic, &c., &c., &c.;

And the President of the French Republic, M. le Duc Decazes, Member of the Chamber of Deputies, Minister of Foreign Affairs, Grand Officer of the National Order of the Legion of Honor, &c., &c., &c.;

Who, after having communicated to each other their respective full powers (found in good and due form) have agreed upon the following Articles:—

ARTICLE I.

The High Contracting Parties engage to deliver up to each other those persons who are being proceeded against or who have been convicted of a crime committed in the territory of the one Party, and who shall be found within the territory of the other Party under the circumstances and conditions stated in the present Treaty.

ARTICLE II.

Native-born or naturalized subjects of either country are excepted from extradition. In the case, however, of a person who, since the commission of the crime or offence of which he is accused, or for which he has been convicted, has become naturalized in the country whence the surrender is sought, such naturalization shall not prevent the pursuit, arrest and extradition of such person, in conformity with the stipulations of the present Treaty.

ARTICLE III.

The crimes for which the extradition is to be granted are the following:—

1. Counterfeiting or altering money, and uttering counterfeit or altered money;
2. Forgery, counterfeiting or altering and uttering what is forged, counterfeited or altered;
3. Murder (including assassination, parricide, infanticide and poisoning) or attempt to murder;
4. Manslaughter;
5. Abortion;
6. Rape;

7. Indecent assault, acts of indecency even without violence upon the person of a girl under 12 years of age;

8. Child-stealing, including abandoning, exposing or unlawfully detaining;

9. Abduction;

10. Kidnapping and false imprisonment;

11. Bigamy;

12. Wounding or inflicting grievous bodily harm;

13. Assaulting a Magistrate, or peace or public officer;

14. Threats by letter or otherwise with intent to extort;

15. Perjury or subornation of perjury;

16. Arson;

17. Burglary or house-breaking,—robbery with violence;

18. Fraud by a bailee, banker, agent, factor, trustee, or director, or member, or public officer of any Company made criminal by any Act for the time being in force;

19. Obtaining money, valuable security, or goods by false pretences, including receiving any chattel, money, valuable security, or other property, knowing the same to have been unlawfully obtained;

20. Embezzlement or larceny, including receiving any chattel, money, valuable security, or other property, knowing the same to have been embezzled or stolen;

21. Crime against Bankruptcy Law;

22. Any malicious act done with intent to endanger persons in a railway train;

23. Malicious injury to property, if the offence is indictable;

24. Crimes committed at sea,—

(*a*) Any act of depredation or violence by the crew of a British or French vessel, against another British or French vessel, or by the crew of a foreign vessel not provided with a regular commission, against British or French vessels, their crews or their cargoes,

(*b*) The fact, by any person (being or not, one of the crew of a vessel) of giving her over to pirates,

(*c*) The fact, by any person (being or not one of the crew of a vessel) of taking possession of such vessel by fraud or violence,

(*d*) Sinking or destroying a vessel at sea, or attempting or conspiring to do so,

(*e*) Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master;

25. Dealing in slaves in such manner as to constitute an offence against the laws of both countries:

The extradition is also to take place for participation, either as principals or accessories, in any of the aforesaid crimes, provided such participation be punishable by the laws of both the Contracting Parties.

ARTICLE IV.

The present Treaty shall apply to crimes and offences committed prior to the signature of the Treaty; but a person surrendered shall not be tried for any crime or offence committed in the other country before the extradition, other than the crime for which his surrender has been granted.

ARTICLE V.

No accused or convicted person shall be surrendered, if the offence in respect of which his surrender is demanded shall be deemed by the Party upon which it is made to be a political offence, or to be an act connected with (*connexe à*) such an offence, or if he prove to the satisfaction of the police magistrate or of the court before which he is brought on *habeas corpus*, or of the Secretary of State, that the requisition for his surrender has, in fact, been made with a view to try or to punish him for an offence of a political character.

ARTICLE VI.

On the part of the French Government, the extradition shall take place in the following manner in France—

The Ambassador or other Diplomatic Agent of Her Britannic Majesty in France shall send to the Minister for Foreign Affairs, in support of each demand for extradition, an authenticated and duly legalized copy either of a certificate of cenviction, or of a warrant of arrest against a person accused, clearly setting forth the nature of the crime or offence on account of which the fugitive is being proceeded against. The judicial document thus produced shall be accompanied by a description of the person claimed, and by any other information which may serve to identify him.

The documents shall be communicated by the Minister for Foreign Affairs to the Keeper of the Seals, Minister of Justice, who after examining the claim for surrender, and the documents in support thereof, shall report thereon immediately to the President of the Republic; and, if there is reason for it, a Decree of the President will grant the extradition of the person claimed, and will order him to be arrested and delivered to the British authorities.

In consequence of this Decree, the Minister of the Interior shall give orders that search be made for the fugitive criminal, and in case of his arrest, that he be conducted to the French frontier, to be delivered to the person authorized by Her Britannic Majesty's Government to receive him.

Should it so happen that the documents furnished by the British Government, with the view of establishing the

identity of the fugitive criminal, and that the particulars collected by the agents of the French Police with the same view be considered insufficient, notice shall be immediately given to the Ambassador or other Diplomatic Agent of Her Britannic Majesty in France; and the fugitive person, if he has been arrested, shall remain in custody until the British Government has been able to furnish further evidence in order to establish his identity or to throw light on other difficulties in the examination.

ARTICLE VII.

In the dominions of Her Britannic Majesty, other than the colonies or foreign possessions of Her Majesty, the manner of proceeding shall be as follows :—

(*a*) In the case of a person accused—The requisition for the surrender shall be made to Her Britannic Majesty's Principal Secretary of State for Foreign Affairs by the Ambassador or other Diplomatic Agent of the President of the French Republic, accompanied by a warrant of arrest or other equivalent judicial document, issued by a judge or magistrate duly authorized to take cognizance of the acts charged against the accused in France, together with duly authenticated depositions or statements taken on oath before such judge or magistrate, clearly setting forth the said acts, and containing a description of the person claimed, and any particulars which may serve to identify him. The said Secretary of State shall transmit such documents to Her Britannic Majesty's Principal Secretary of State for the Home Department, who shall then, by order under his hand and seal, signify to some Police Magistrate in London that such requisition has been made, and require him, if there be due cause, to issue his warrant for the apprehension of the fugitive.

On the receipt of such order from the Secretary of State, and on the production of such evidence as would, in the opinion of the Magistrate, justify the issue of the warrant if the crime had been committed in the United Kingdom, he shall issue his warrant accordingly.

When the fugitive shall have been apprehended, he shall be brought before the Police Magistrate who issued the warrant, or some other Police Magistrate in London. If the evidence to be then produced shall be such as to justify, according to the law of England, the committal for trial of the prisoner, if the crime of which he is accused had been committed in England, the Police Magistrate shall commit him to prison to await the warrant of the Secretary of State for his surrender,—sending immediately to the Secretary of State a certificate of the committal and a report upon the case.

After the expiration of a period from the committal of the prisoner which shall never be less than fifteen days, the Secretary of State shall, by order under his hand and seal, order the fugitive criminal to be surrendered to such person as may be duly authorized to receive him on the part of the President of the French Republic.

(*b*) In the case of a person convicted—The course of proceeding shall be the same as in the case of a person accused, except that the warrant to be transmitted by the Ambassador or other Diplomatic Agent in support of his requisition shall clearly set forth the crime of which the person claimed has been convicted, and state the fact, place and date of his conviction. The evidence to be produced before the Police Magistrate shall be such as would, according to the law of England, prove that the prisoner was convicted of the crime charged.

(*c*) Persons convicted by judgment in default or *arrêt de contumace* shall be, in the matter of extradition, considered as persons accused, and, as such, be surrendered.

(*d*) After the Police Magistrate shall have committed the accused or convicted person to prison to await the order of a Secretary of State for his surrender, such person shall have the right to apply for a writ of *habeas corpus*; if he should so apply, his surrender must be deferred until after decision of the court upon the return to the writ, and even then can only take place if the decision is adverse to the applicant. In the latter case the court may at once order his delivery in the person authorized to receive him, without the order of a Secretary of State for his surrender, or commit him to prison to await such order.

ARTICLE VIII.

Warrants, depositions or statements on oath, issued or taken in the dominions of either of the two High Contracting Parties, and copies thereof, and certificates of or judicial documents stating the facts of conviction, shall be received in evidence in proceedings in the dominions of the other, if purporting to be signed or certified by a judge, magistrate, or officer of a country where they were issued or taken, provided such warrants, depositions, statements, copies, certificates and judicial documents, are authenticated by the oath of some witness, or by being sealed with the official seal of the Minister of Justice or some other Minister of State.

ARTICLE IX.

A fugitive criminal may be apprehended under a warrant issued by any chief magistrate, Justice of the Peace, or

other competent authority in either country, on such information or complaint, and such evidence, or after such proceedings as would, in the opinion of the person issuing the warrant, justify the issue of a warrant, if the crime had been committed or the prisoner convicted in that part of the dominions of the two Contracting Parties in which the magistrate exercises jurisdiction: Provided, however, that, in the United Kingdom, the accused shall, in such case, be sent as speedily as possible before a Police Magistrate in London. He shall be discharged, as well in the United Kingdom as in France if, within fourteen days, a requisition shall not have been made for his surrender by the Diplomatic Agent of his country in the manner directed by Articles II and IV of this Treaty.

The same rule shall apply to the cases of persons accused or convicted of any of the crimes specified in this Treaty committed on the high seas on board any vessel of either country which may come into a port of the other.

ARTICLE X.

If the fugitive criminal who has been committed to prison, be not surrendered and conveyed away within two months after such committal, or within two months after the decision of the Court upon the return to a writ of *habeas corpus* in the United Kingdom, he shall be discharged from custody, unless sufficient cause be shown to the contrary.

ARTICLE XI.

The claim for extradition shall not be complied with if the individual claimed has been already tried for the same offence in the country whence the extradition is demanded, or if, since the commission of the acts charged, the accusation or the conviction, exemption from prosecution, or punishment has been acquired by lapse of time, according to the laws of that country.

ARTICLE XII.

If the individual claimed by one of the two High Contracting Parties in pursuance of the present Treaty should be also claimed by one or several other Powers, on account of other crimes committed upon their respective territories, his surrender shall be granted to that State whose demand is earliest in date; unless any other arrangement should be made between the Government which have claimed him, either on account of the gravity of the crimes committed, or for any other reasons.

ARTICLE XIII.

If the individual claimed should be under prosecution, or condemned for a crime or offence committed in the country where he may have taken refuge, his surrender may be deferred until he shall have been set at liberty in due course of law.

In case he should be proceeded against or detained in such country on account of obligations contracted towards private individuals, his surrender shall nevertheless take place.

ARTICLE XIV.

Every article found in the possession of the individual claimed, at the time of his arrest, shall, if the competent authority so decide, be seized, in order to be delivered up with his person at the time when the surrender shall be made. Such delivery shall not be limited to the property or articles obtained by stealing or by fraudulent bankruptcy, but shall extend to everything that may serve as proof of the crime, and shall take place even when the surrender, after having been ordered, shall be prevented from taking place by reason of the escape or death of the individual claimed.

The rights of third parties with regard to the said property or articles are nevertheless reserved.

ARTICLE XV.

Each of the High Contracting Parties shall defray the expenses occasioned by the arrest within its territories, the detention, and the conveyance to its frontier, of the persons whom it may have consented to surrender in pursuance of the present Treaty.

ARTICLE XVI.

In the colonies and foreign possessions of the two High Contracting Parties, the manner of proceeding shall be as follows:—

The requisition for the surrender of a fugitive criminal who has taken refuge in a colony or foreign possession of either party, shall be made to the Governor or chief authority of such colony or possession by the chief consular officer of the other in such colony or possession; or, if the fugitive has escaped from a colony or foreign possession of the party on whose behalf the requisition is made, by the Governor or chief authority of such colony or possession.

Such requisitions may be disposed of, subject always, as nearly as may be, to the provisions of this Treaty, by the respective Governors or chief authorities, who, however, shall be at liberty either to grant the surrender or to refer the matter to their Governments.

The foregoing stipulations shall not in any way affect the arrangements established in the East Indian possessions of the two countries by the IXth Article of the Treaty of the 7th March, 1815.

ARTICLE XVII.

The present Treaty shall be ratified and the ratifications shall be exchanged at Paris as soon as possible.

It shall come into operation ten days after its publication, in conformity with the laws of the respective countries.

Either Party may, at any time, terminate the Treaty on giving to the other six months notice of its intention.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, this fourteenth day of August, one thousand eight hundred and seventy-six.

(L.S.) LYONS

(L.S.) DECAZES.

And whereas the ratifications of the said Treaty were exchanged at Paris on the eighth day of April last:

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and in virtue of the authority committed to Her by the said recited Acts, doth order, and it is hereby ordered, that from and after the thirty-first day of May, one thousand eight hundred and seventy-eight, the said Acts shall apply in the case of the said Treaty with the President of the French Republic.

C. L. PEEL.

TREATY BETWEEN HER MAJESTY AND THE KING OF SPAIN.

At the Court at Windsor, the 27th day of November, 1878

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL

WHEREAS, by an Act of Parliament made and passed in the Session of Parliament holden in the thirty-third and thirty-fourth years of the reign of Her present Majesty, intituled "*An Act for amending the Law relating to the Extradition of Criminals*," and also, by an Act of Parliament made and passed in the Session of Parliament holden in the thirty-sixth and thirty-seventh years of the reign of Her present Majesty, intituled "*An Act to amend the Extradition Act*, 1870," it was, amongst other things, enacted, that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient;

And whereas, a Treaty was concluded on the fourth day of June, one thousand eight hundred and seventy-eight, between Her Majesty and the King of Spain, for the Mutual Extradition of Fugitive Criminals, which Treaty is in the terms following:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of Spain, having judged it expedient, with a view to the better administration of justice and the prevention of crime, that persons charged with, or convicted of the crimes hereinafter enumerated, and being fugitives from justice, should under certain circumstances, be reciprocally delivered up, have resolved to conclude the present Treaty, and have appointed as their Plenipotentiaries, namely:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Robert Arthur

Talbot Gascoyne Cecil, Marquis and Earl of Salisbury, Viscount Cranborne, Dorset, and Baron Cecil of Essendine, a Peer of the United Kingdom, a Member of Her Majesty's Most Honourable Privy Council, Her Principal Secretary of State for Foreign Affairs:—

And His Majesty the King of Spain, Don Manuel Rancés y Villanueva, Marquis of Casa-Laiglesia, a Senator of the Kingdom, Knight Grand Cross of the Royal and Distinguished Order of Charles III, and Knight of the First Class of the Civil Order of Beneficence of Spain; Knight Grand Cross of the Papal Order of Gregory the Great; Knight of the First Class of the Royal Order of the Red Eagle of Prussia; Knight Grand Cross of the Royal Orders of the Crown of Italy, of Frederick of Wurtemburg, and of Albert the Valorous of Saxony; of the Grand Ducal Orders of Philip the Magnanimous of Hesse-Darmstadt, of the White Hawk of Saxe-Weimar, of the Crown of Vandalia of Mecklenburgh-Schwerin, and of the Ducal Order of Adolphus of Nassau; Knight Grand Cross of the Lion and the Sun of Persia, &c., His Envoy Extraordinary and Minister Plenipotentiary to Her Majesty the Queen of the United Kingdom of Great Britain and Ireland;

Who, after having communicated to each other their respective full powers, and found them in good and due form, have agreed upon the following articles:—

ARTICLE I.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland engages to deliver up, under the circumstances and on the conditions stipulated in the present Treaty, all persons, and His Majesty the King of Spain engages to deliver up, under the like circumstances and conditions, all persons, excepting his own subjects, who, having been charged with, or convicted by the Tribunals of one of the two High Contracting Parties, of the crimes or offences enumerated in Article II, committed in the territory of the one party, and who shall be found within the territory of the other.

ARTICLE II.

The extradition shall be reciprocally granted for the following crimes or offences:—

1. Murder,—including assassination, parricide, infanticide, poisoning, or attempt to murder;
2. Manslaughter;

3. Administering drugs or using instruments with intent to procure the miscarrage of women;

4. Rape;

5. Aggravated or indecent assault; carnal knowledge of a girl under the age of 10 years; carnal knowledge of a girl above the age of 10 years and under the age of 12 years; indecent assault upon any female, or any attempt to have carnal knowledge of a girl under 12 years of age;

6. Kidnapping and false imprisonment; child-stealing, abandoning, exposing, or unlawfully detaining children;

7. Abduction of minors;

8. Bigamy;

9. Wounding, or inflicting grievous bodily harm;

10. Assaulting a magistrate or peace or public officer;

11. Threats by letter or otherwise with intent to extort money or other things of value;

12. Perjury, or subornation of perjury;

13. Arson;

14. Burglary or housebreaking, robbery with violence, larceny or embezzlement;

15. Fraud by a bailee, banker, agent, factor, trustee, director, member or public officer of any company, made criminal by any law for the time being in force;

16. Obtaining money, valuable security, or goods by false pretences; receiving any money, valuable security, or other property, knowing the same to have been unlawfully obtained;

17. (*a.*) Counterfeiting or altering money, or bringing into circulation counterfeited or altered money,

(*b.*) Forgery, or counterfeiting or altering or uttering what is forged, counterfeited or altered,

(*c.*) Knowingly making without lawful authority any instrument, tool or engine adapted and intended for the counterfeiting of coin of the realm;

18. Crimes against Bankruptcy Law;

19. Any malicious act done with intent to endanger persons in a railway train;

20. Malicious injury to property, if such offence be indictable;

21. Crimes committed at sea,—

(*a.*) Piracy by the law of nations,

(*b.*) Sinking or destroying a vessel at sea, or attempting or conspiring to do so,

(*c.*) Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master,

(*d.*) Assault on board a ship on the high sea, with intent to destroy life, or to do grievous bodily harm;

Extradition Treaty with King of Spain.

22. Dealing in slaves in such manner as to constitute an offence against the laws of both countries:

The extradition is also to take place for participation in any of the aforesaid crimes as an accessory before of after the fact, provided such participation be punishable by the laws of both Contracting Parties.

ARTICLE III.

The present Treaty shall apply to crimes and offences committed prior to the signature of the Treaty; but a person surrendered shall not be tried for any crime or offence committed in the other country before the extradition, other than the crime for which his surrender has been granted.

ARTICLE IV.

No person shall be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove to the satisfaction of the competent authority of the State in which he is that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character.

ARTICLE V.

In the States of His Majesty the King of Spain, excepting the provinces or possessions beyond sea, the proceedings for demanding and obtaining the extradition shall be as follows:—

The Diplomatic Representative of Great Britain shall send to the Minister for Foreign Affairs (Ministro de Estado) with the demand for extradition an authenticated and legalized copy of the sentence or of the warrant of arrest against the person accused, clearly showing the crime or offence for which proceedings are taken against the fugitive. This judicial document shall be accompanied, if possible, by a description of the person claimed, and any other information or particulars that may serve to identify him.

These documents shall be communicated by the Minister for Foreign Affairs to the Minister of Grace and Justice, by whose Department, after examining the documents and finding that there is reason for the extradition, a Royal Order will be issued granting it, and directing the arrest of the person claimed and his delivery to the British authorities.

In virtue of the said Royal Order, the Minister of the Interior (Ministro de la Gobernacion) will adopt the fitting measures for the arrest of the fugitive, and when this has taken place, the person claimed shall be placed at the dis-

posal of the Diplomatic Representative who has demanded his extradition, and he shall be taken to the part of the frontier or to the seaport where the Agent appointed for the purpose by Her Britannic Majesty's Government is ready to take charge of him.

In case the documents furnished by the said Government for the identification of the person claimed or the information obtained by the Spanish authorities for the same purpose, should be considered insufficient, immediate notice thereof shall be given to the Diplomatic Representative of Great Britain, and the person under arrest shall be detained until the British Government shall have furnished fresh evidence to prove his identity or to clear up any other difficulty relative to the examination and decision of the affair.

ARTICLE VI.

In the dominions of Her Britannic Majesty, other than the Colonies or Foreign Possessions of Her Majesty, the manner of proceeding, in order to demand and obtain extradition, shall be as follows:—

(A) In the case of a person accused—The requisition for the surrender shall be made to Her Britannic Majesty's Principal Secretary of State for Foreign Affairs by the Diplomatic Representative of His Majesty the King of Spain. The said demand shall be accompanied by a warrant of arrest or other equivalent judicial document, issued by a Judge or Magistrate duly authorized to take cognizance of the acts charged against the accused in Spain, and duly authenticated depositions or statements taken on oath before such Judge or Magistrate, clearly setting forth the said acts, and containing a description of the person claimed, and any particulars which may serve to identify him.

The Principal Secretary of State shall transmit such documents to Her Britannic Majesty's Principal Secretary of State for the Home Department, who shall then, by order under his hand and seal, signify to some Police Magistrate in London that such requisition has been made, and require him, if there be due cause, to issue his warrant for the apprehension of the fugitive. On the receipt of such order from the Secretary of State, and on the production of such evidence as would, in the opinion of the Magistrate, justify the issue of the warrant if the crime had been committed in the United Kingdom, he shall issue his warrant accordingly.

When the person claimed, shall have been apprehended, he shall be brought before the Magistrate who issued the warrant, or some other Police Magistrate in London. If the evidence to be then produced shall be such as to justify,

according to the law of England, the committal for trial of the prisoner, if the crime of which he is accused had been committed in the United Kingdom, the Police Magistrate shall commit him to prison to await the warrant of the Secretary of State for his surrender; sending immediately to the Secretary of State a certificate of the committal and a report upon the case.

After the expiration of a period from the committal of the prisoner, which shall never be less than fifteen days, the Secretary of State shall, by order under his hand and seal, order the fugitive criminal to be surrendered to such person as may be duly authorized to receive him on the part of the Spanish Government.

(B.) In the case of a person convicted—The course of proceeding shall be the same as above indicated, except that the warrant to be transmitted by the Diplomatic Representative of Spain in support of his requisition shall clearly set forth the crime or offence of which the person claimed has been convicted, and state the place and date of his conviction.

The evidence to be produced before the Police Magistrate shall be such as would, according to the law of England, prove that the prisoner was convicted of the crime charged.

(C.) Persons convicted by judgment in default or *arrêt de contumace*, shall be, in the matter of extradition, considered as persons accused, and, as such, be surrendered.

(D.) After the Police Magistrate shall have committed the accused or convicted person to prison to await the order of a Secretary of State for his surrender, such person shall have the right to apply for a writ of *habeas corpus*; if he should so apply, his surrender must be deferred until after the decision of the Court upon the return to the writ, and even then can only take place if the decision is adverse to the applicant. In the latter case the Court may at once order his delivery to the person authorized to receive him, without the order of a Secretary of State for his surrender, or commit him to prison to await such order.

ARTICLE VII.

Warrants, depositions, or statements on oath, issued or taken in the dominions of either of the two High Contracting Parties, and copies thereof, and certificates of or judicial documents stating the facts of conviction, shall be received in evidence in proceedings in the dominions of the other, if purporting to be signed or certified by a Judge, Magistrate, or officer of the country where they were issued or taken, provided such warrants, depositions, statements, copies, certificates, and judicial documents are authenticated by the

oath of some witness, or by being sealed with the official seal of the Minister of Justice, or some other Minister of State.

ARTICLE VIII.

A fugutive criminal may be apprehended under a warrant issued by any Police Magistrate, Justice of the Peace, or other competent authority in either country, on such information or complaint, and such evidence, or after such proceedings as would, in the opinion of the authority issuing the warrant, justify the issue of a warrant if the crime had been committed or the person convicted in that part of the dominions of the two Contracting Parties in which the Magistrate, Justice of the Peace, or other competent authority exercises jurisdiction; provided, however, that in the United Kingdom, the accused shall, in such case, be sent as speedily as possible before a Police Magistrate in London. He shall, in accordance with this Article, be discharged, as well in Spain as in the United Kingdom, if, within the term of thirty days, a requisition for extradition shall not have been made by the Diplomatic Agent of his country, in accordance with the stipulations of this Treaty.

The same rule shall apply to the cases of persons accused or convicted of any of the crimes or offences specified in this Treaty, and committed on the high seas on board any vessel of either country which may come into a port of the other.

ARTICLE IX.

If the fugitive criminal who has been committed to prison be not surrendered and conveyed away within two months after such committal, or within two months after the adverse decision of the Court upon the return to a writ of *habeas corpus* in the United Kingdom, he shall be discharged from custody, unless sufficient cause be shown to the contrary.

ARTICLE X.

In the Provinces beyond sea, Colonies and other Possessions beyond sea of the two High Contracting Parties, the manner of proceeding shall be as follows:—

The requisition for extradition of the fugitive criminal who has taken refuge in an over-sea Province, Colony, or Possession of either of the two Contracting Parties, shall be made to the Governor or chief authority of such Province, Colony or Possession by the chief Consular Officer of the other State in such Province, Colony or Possession; or, if the fugitive has escaped from an oversea Province, Colony or Possession

of the State on whose behalf the extradition is demanded, by the Governor or chief authority of such Province, Colony, or Possession.

In these cases the provisions of this Treaty shall be observed as far as possible by the respective Governors or chief authorities, who, however, shall be at liberty to grant the extradition or to refer the decision of the matter to the Governments of their respective countries.

ARTICLE XI.

In cases where it may be necessary, the Spanish Government shall be represented in the English Courts by the Law Officers of the Crown, and the English Government in the Spanish Courts by the Public Prosecutor (*Ministerio Fiscal.*)

The respective Governments will give assistance to the Diplomatic Representatives who claim their intervention for the custody and security of the persons subject to extradition.

ARTICLE XII.

The claim for extradition shall not be complied with if the individual claimed has been already tried for the same offence in the country whence the extradition is demanded, or, if, since the commission of the acts charged, the accusation or the conviction, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of that country.

ARTICLE XIII.

If the individual claimed by one of the two High Contracting Parties, in pursuance of the present Treaty should be also claimed by one or several other powers, on account of other crimes or offences committed upon their respective territories, his extradition shall be granted to that State whose demand is earliest in date ; unless any other arrangement should exist between the different Governments to determine the preference, either on account of the gravity of the crime or offence, or for any other reason.

ARTICLE XIV.

If the individual claimed should be under prosecution, or have been condemned for a crime or offence committed in the country where he may have taken refuge, his surrender may be deferred until he shall have been set at liberty in due course of law.

In case he should be proceeded against or detained in such country, on account of obligations contracted towards private individuals, the extradition shall nevertheless take place.

ARTICLE XV.

Every article found in the possession of the individual claimed at the time of his arrest, shall, if the competent authority so decide, be seized, in order to be delivered up with his person at the time when the extradition takes place. Such delivery shall not be limited to the property or articles obtained by stealing or by fraudulent bankruptcy, but shall extend to every thing that may serve as proof of the crime or offence, and shall take place even when the extradition, after having been granted, cannot be carried out by reason of the escape or death of the individual claimed.

The rights of third parties with regard to the said property or articles are nevertheless reserved.

ARTICLE XVI.

The High Contracting Parties renounce any claim for the reimbursement of the expenses incurred by them in the arrest and maintenance of the person to be surrendered, and his conveyance as far as the frontier; they reciprocally agree to bear such expenses themselves.

ARTICLE XVII.

The present Treaty shall be ratified and the ratifications shall be exchanged at London as soon as possible.

It shall come into operation ten days after its publication, in conformity with the laws of the respective countries, and each of the Contracting Parties may, at any time, terminate the Treaty on giving to the other six months' notice of its intention to do so.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the fourth day of June, in the year of Our Lord one thousand eight hundred and seventy-eight.

(L.S.) SALISBURY,

(L.S.) MARQUES DE CASA LAIGLESIA.

And whereas the ratifications of the said Treaty were exchanged at London on the twenty-first instant :

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and in virtue of the authority committed to Her by the said recited Acts, doth order, and it is hereby ordered, that from and after the ninth day of December, one thousand eight hundred and seventy-eight, the said Acts shall apply in the case of the said Treaty with the King of Spain.

C. L. PEEL.

TREATY BETWEEN HER MAJESTY AND THE SWISS CONFEDERATION.

At the Court at Windsor, the 22nd day of February, 1879.

PRESENT :

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by the Extradition Acts of 1870 and 1873, it was amongst other things enacted, that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient:

And whereas a Treaty was concluded on the thirty-first day of March, one thousand eight hundred and seventy-four, between Her Majesty and the Swiss Confederation, for the Mutual Extradition of Fugitive Criminals, which Treaty is in the terms following:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Swiss Confederation, having judged it expedient, with a view to the better administration of justice and to the prevention of crime within their respective territories and jurisdictions, that persons charged with, or convicted of the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have named as their Plenipotentiaries to conclude a Treaty for this purpose, that is to say:—

Extradition Treaty with Swiss Confederation.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Alfred Guthrie Graham Bonar, Esquire, Her Envoy Extraordinary and Minister Plenipotentiary to the Swiss Confederation;

And the Federal Council of the Swiss Confederation, Joseph Martin Knüsel, Member of the Swiss Federal Council;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:—

ARTICLE I.

The High Contracting Parties engage to deliver up to each other those persons who, being accused or convicted of a crime committed in the territory of the one Party, shall be found within the territory of the other Party under the circumstances and conditions stated in the present Treaty.

ARTICLE II.

The crimes for which the extradition is to be granted are the following:—

(1.) Murder (including infanticide) and attempt to murder;
(2.) Manslaughter;
(3.) Counterfeiting or altering money, uttering or bringing into circulation counterfeit or altered money;
(4.) Forgery, or counterfeiting, or altering, or uttering what is forged, or counterfeited, or altered,—comprehending the crimes designated in the Penal Codes of either State as counterfeiting or falsification of paper money, bank-notes, or other securities, forgery or other falsification of other public or private documents,—likewise the uttering or bringing into circulation, or wilfully using such counterfeited, forged, or falsified papers.
(5.) Embezzlement or larceny;
(6.) Obtaining money or goods by false pretences;
(7.) Crimes against bankruptcy law;
(8.) Fraud committed by a bailee, banker, agent, factor, trustee or director, or member or public officer of any Company made criminal by any law for the time being in force;
(9.) Rape;
(10.) Abduction of minors;
(11.) Child stealing or kidnapping;
(12.) False imprisonment;
(13.) Burglary, or housebreaking with criminal intent;
(14.) Arson;
(15.) Robbery with violence;
(16.) Threats by letter or otherwise with intent to extort;

(17.) Perjury or subornation of perjury ;
(18.) Malicious injury to property, if the offence be indictable :

The extradition is also to take place for participation in any of the aforesaid crimes, as an accessory before or after the fact.

ARTICLE III.

No Swiss shall be delivered up by Switzerland to the Government of the United Kingdom ; and no subject of the United Kingdom shall be delivered up by the Government thereof to Switzerland.

ARTICLE IV

The extradition shall not take place if the person claimed on the part of the Government of the United Kingdom, or the person claimed on the part of the Swiss Government, has already been tried and discharged or punished, or is still under trial, in one of the Swiss Cantons or in the United Kingdom respectively, for the crime for which his extradition is demanded.

If the person claimed on the part of the Government of the United Kingdom, or if the person claimed on the part of the Swiss Government, should be under examination, or have been condemned for any other crime, in one of the Swiss Cantons or in the United Kingdom respectively, his extradition may be deferred until he shall have been set at liberty in due course of law.

In case such individual should be proceeded against or detained in the country in which he has taken refuge, on account of obligations contracted towards private individuals, his extradition shall, nevertheless, take place ; the injured party retaining his right to prosecute his claims before the competent authority

ARTICLE V.

The extradition shall not take place if, subsequently to the commission of the crime, or the institution of the penal prosecution, or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, acccording to the laws of the State applied to.

ARTICLE VI.

If the individual claimed by one of the two Contracting Parties in pursuance of the present Treaty should be also

claimed by one or several other Powers, on account of other crimes committed upon their respective territories, his surrender shall be granted to that State whose demand is earliest in date; unless any other arrangement should be made between the Governments which have claimed him, either on account of the gravity of the crimes committed, or for any other reason.

ARTICLE VII.

A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or is connected with a crime of that nature, or if he prove that the requisition for his surrender has, in fact, been made with a view to try and punish him for an offence of a political character.

ARTICLE VIII.

A person surrendered can in no case be kept in prison, or be brought to trial in the State to which the surrender has been made, for any other crime, or on account of any other matters than those for which the extradition shall have taken place.

This stipulation does not apply to crimes committed after the extradition.

ARTICLE IX.

The requisition for extradition must always be made by the way of diplomacy, and to wit, in Switzerland by the British Minister to the President of the Confederation, and in the United Kingdom to the Secretary of State for Foreign Affairs by the Consul-General of Switzerland, who, for the purposes of this Treaty, is hereby recognized by Her Majesty as a Diplomatic Representative of Switzerland.

The requisition for the extradition of an accused person must be accompanied by a warrant of arrest issued by the competent authority of the State requiring the extradition, and by such evidence as, according to the laws of the place where the accused is found, would justify his arrest if the crime had been committed there.

If the requisition relates to a person already convicted, it must be accompanied by the sentence of condemnation passed against the convicted person by the competent Court of the State that makes the requisition for extradition.

A requisition for extradition cannot be founded on sentences passed *in contumaciam*.

ARTICLE X.

A fugitive criminal may, however, be apprehended under a warrant issued by any Police Magistrate, Justice of the Peace, or other competent authority, in either country, on such information or complaint, together with such evidence or after such judicial proceedings as would in the opinion of the officer issuing the warrant justify its issue, if the crime had been committed in that part of the dominions of the two Contracting Parties in which he exercises jurisdiction : Provided, however, that in the United Kingdom the accused shall in such case be sent as speedily as possible before a Police Magistrate in London. Such requisition may be made by means of the post or by telegraph.

The accused shall, however, be discharged if, within such reasonable time as, with reference to the circumstances of the case, the Police Magistrate may fix, the requisition shall not have been made, according to the stipulations contained in Article IX.

ARTICLE XI.

The extradition shall not take place before the expiration of fifteen days from the apprehension, and then only if the evidence be found sufficient, according to the laws of the State applied to, either to justify the committal of the prisoner for trial in case the crime had been committed in the territory of the said State, or to prove that the prisoner is the identical person convicted by the courts of the State which makes the requisition.

ARTICLE XII.

In the examinations which they have to make in accordance with the foregoing stipulations, the authorities of the State applied to shall admit as entirely valid evidence the sworn depositions or statement of witnesses taken in the other State, or copies thereof, and likewise the warrants and sentences issued therein, provided such documents are signed or certified by a judge, magistrate or officer of such State, and are authenticated by the oath of some witness, or by being sealed with the official seal of a British Secretary of State, or of the Chancellor of the Swiss Confederation.

ARTICLE XIII.

If sufficient evidence for the extradition be not produced within two months from the date of the apprehension of the fugitive, he shall be set at liberty.

ARTICLE XIV.

All articles seized, which were in the possession of the person to be surrendered at the time of his apprehension, shall, if the competent authority of the State applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place, and the said delivery shall extend not merely to the stolen articles, but to everything that may serve as a proof of the crime.

ARTICLE XV.

The Contracting Parties renounce any claim for the reimbursement of the expenses incurred by them in the arrest and maintenance of the person to be surrendered, and his conveyance to the frontiers of the State from which he is required; they reciprocally agree to bear such expenses themselves.

ARTICLE XVI.

The stipulations of the present Treaty shall be applicable to the Colonies and foreign Possessions of Her Britannic Majesty.

The requisition for the arrest and surrender of a fugitive criminal who has taken refuge in any of such Colonies or foreign Possessions shall be made through the Swiss Consul General in London to the Secretary of State for Foreign Affairs, who shall proceed in conformity with the provisions of the present Treaty and the laws of the land.*

Her Britannic Majesty shall, however, be at liberty to make special arrangements in the British Colonies and foreign Possessions for the surrender of such individuals as shall have committed in Switzerland any of the crimes hereinbefore mentioned, who may take refuge within such Colonies and foreign Possessions, on the basis as nearly as may be, of the provisions of the present Treaty.

The requisition for the surrender of a fugitive criminal from any Colony or foreign Possession of Her Britannic Majesty shall be governed by the rules laid down in the preceding Articles of the present Treaty.

ARTICLE XVII.

The present Treaty shall come into force ten days after its publication in conformity with the forms prescribed by the laws of the High Contracting Parties. It may be terminated by either of the High Contracting Parties, but shall remain

* But see p. xxxiii.

in force for six months after notice has been given for its termination.

This Treaty shall be ratified, and the ratifications shall be exchanged at Berne in four weeks, or sooner, if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Berne, the thirty-first day of March, in the year of our Lord one thousand eight hundred and seventy-four.

(L.S.) A. G. G. BONAR.
(L.S.) J. M. KNUSEL.

And whereas a Protocol amending Article XVI of the aforesaid Treaty was signed by the Plenipotentiaries of Her Majesty and of the Swiss Confederation, on the twenty-eighth day of November, one thousand eight hundred and seventy-four, which Protocol is in the following terms:—

The undersigned Plenipotentiaries of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and of the Federal Council of the Swiss Confederation, having met in conference, have taken into their consideration the following subject:—

They have directed their attention to the fact that the second paragraph of the XVIth Article of the Treaty, which stipulates that the requisition for the arrest of a fugitive criminal who has taken refuge in any of the Colonies or foreign Possessions of Her Britannic Majesty shall be made through the Swiss Consul-General in London to the Secretary of State for Foreign Affairs, was not in accordance with the law of England, and they have consequently resolved to declare that the second paragraph of that Article beginning:—

"The requisition for the arrest," and concluding with "and the laws of the land," shall be null and void, and in lieu thereof the following words shall be substituted:—

"The requisition for the surrender of a fugitive criminal who has taken refuge in any of such Colonies or foreign Possessions shall be made to the Governor or to the supreme authority of such Colony or possession through the Swiss Consul, or, in case there should be no Swiss Consul, through the Consular Agent of another State charged for the occasion with the Swiss interests in the Colony or possession in question.

"The Governor or Supreme Authority above mentioned shall decide with regard to such requisitions as nearly as possible in accordance with the provisions of the present Treaty. He will, however, be at liberty either to consent to the extradition or report the case to his Government."

The other provisions of Article XVI remain in force as they have been agreed upon in the Treaty.

This Protocol shall be regarded and acted upon as forming part of the Treaty in question.

In witness whereof the undersigned have signed this Protocol, and have hereunto affixed their seals.

Done in duplicate at Berne, the twenty-eighth day of November, in the year of Grace, one thousand eight hundred and seventy-four.

The Plenipotentiary of Great Britain,
(L.S.) EDWIN COBBETT.

And whereas the ratifications of the said Treaty and Protocol were exchanged at Berne on the thirty first day of December, one thousand eight hundred and seventy-four:

And whereas under and by virtue of the powers in and by the 17th Article of the said Treaty reserved and contained, the Swiss Confederation did, on the twenty second day of December, one thousand eight hundred and seventy-seven, give notice to Her Majesty's Government of the termination of the said Treaty, subject to the provisions in the said Article contained that the same should remain in force for six months after notice should be given for its termination:

And whereas on the nineteenth day of June, one thousand eight hundred and seventy eight, a Convention was entered into between Great Britain and Switzerland, in the terms following:—

The Swiss Federal Council having, by a note of the 22nd December, 1877, denounced the Extradition Treaty of the 31st March, 1874, which exists between the United Kingdom of Great Britain and Ireland and the Swiss Confederation, and a new Extradition Treaty not having as yet been concluded, the High Contracting Parties, being desirous of prolonging the duration of the Treaty now in force, have named as their Plenipotentiaries for this purpose,—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Horace Rumbold, Baronet, Her Majesty's Minister Resident to the Swiss Confedration: and—

The Federal Council of the Swiss Confederation, M. le Conseiller Fédéral Fridolin Anderwert, Chief of the Federal Department of Justice and Police;

Who, after having communicated to each other their full powers, found in good and due form, have concluded the following Convention:—

The duration of the Treaty of the 31st March, 1874, between the United Kingdom of Great Britain and Ireland and the Swiss Confederation is prolonged for six months, to date from the 22nd June, 1878.

Extradition Treaty with Swiss Confederation.

Done at Berne, this nineteenth day of June, one thousand eight hundred and seventy-eight.

The Plenipotentiary of the United Kingdom of Great Britain and Ireland.

(Signed) HORACE RUMBOLD.

The Plenipotentiary of Switzerland.

(Signed) ANDERWERT.

And whereas on the thirteenth day of December, one thousand eight hundred and seventy-eight, a further Convention was entered into between Great Britain and Switzerland in the terms following:—

The Swiss Federal Council having, by a note of the 22nd December, 1877, denounced the Extradition Treaty of the 31st March, 1874, which exists between the United Kingdom of Great Britain and Ireland and the Swiss Confederation, and a new Extradition Treaty not having as yet been concluded, the High Contracting Parties, being desirous of prolonging the duration of the Treaty now in force, have named as their Plenipotentiaries for this purpose,—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Horace Rumbold, Baronet, Her Majesty's Minister Resident to the Swiss Confederation; and—

The Federal Council of the Swiss Confederation, M. le Conseiller Fédéral Fridolin Anderwert, Chief of the Federal Department of Justice and Police;

Who, after having communicated to each other their full powers, found in good and due form, have concluded the following Convention:—

The duration of the Treaty of the 31st March, 1874, between the United Kingdom of Great Britain and Ireland and the Swiss Confederation is prolonged for twelve months, to date from the 22nd December, 1878.

Done at Berne, this thirteenth day of December one thousand eight hundred and seventy-eight.

The Plenipotentiary of the United Kingdom of Great Britain and Ireland:

(Signed) HORACE RUMBOLD.

The Plenipotentiary of Switzerland:

(Signed) ANDERWERT.

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and in virtue of authority committed to Her by the said recited Acts, doth order, and it is hereby ordered, that the said Acts shall apply in the case of Switzerland and of the said Treaty and Protocol, and Conventions with the Swiss Confederation.

C. L. PEEL.

NOTE.—Respecting French Commercial Treaties, see p. xli.

ORDERS IN COUNCIL

PROCLAMATIONS AND REGULATIONS

HAVING FORCE OF LAW

IN THE

DOMINION OF CANADA.



HIS EXCELLENCY

THE RIGHT HONORABLE SIR JOHN DOUGLAS SUTHERLAND CAMPBELL,

(Commonly called THE MARQUIS OF LORNE.)

GOVERNOR GENERAL.

OTTAWA:
PRINTED BY BROWN CHAMBERLIN,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.
ANNO DOMINI, 1879.

IMPERIAL ORDERS IN COUNCIL, &c.

At the Court at Osborne House, Isle of Wight, the 29th day of February, 1868.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS, by "The Merchant Shipping Act Amendment Act, 1862," it is enacted, that whenever it is made to appear to Her Majesty, "that the rules concerning the measurement of tonnage of Merchant Ships "for the time being in force under the principal Act, have been adopted "by the Government of any foreign country, and are in force in that "country, it shall be lawful for Her Majesty, by Order in Council, to "direct that the ships of such foreign country shall be deemed to be of "the tonnage denoted in their Certificates of Registry, or other national "papers, and thereupon it shall no longer be necessary for such ships to be "remeasured in any port or place in Her Majesty's dominions, but such "ships shall be deemed to be of the tonnage denoted in their Certificates of "Registry or other papers, in the same manner, to the same extent, and "for the same purposes in, to and for which the tonnage denoted in the "Certificates of Registry of British ships is to be deemed the tonnage of "such ships:" And whereas it has been made to appear to Her Majesty, that the rules concerning the measurement of tonnage of Merchant Ships now in force under "The Merchant Shipping Act, 1854," have been adopted by the Government of His Majesty the King of Denmark, and are in force in that country, and that such rules came into operation on the first of October, one thousand eight hundred and sixty-seven,—

Her Majesty is hereby pleased, by and with the advice of Her Privy Council, to direct, that the ships of Denmark, the certificates of Danish nationality and registry of which are dated on and after the said first of October, one thousand eight hundred and sixty-seven, shall be deemed to be of the tonnage denoted in the said certificates of Danish nationality and registry.

ARTHUR HELPS.

Imperial—Merchant Shipping.

At the Court at Osborne House, Isle of Wight, the 30th day of December, 1878.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by "The Merchant Shipping Act Amendment Act 1862" it is enacted that whenever it is made to appear to Her Majesty that "the rules concerning the measurement of tonnage of Merchant Ships for "the time being in force under the principal Act have been adopted by the "Government of any foreign country and are in force in that country, it "shall be lawful for Her Majesty, by Order in Council, to direct that the "ships of such foreign country shall be deemed to be of the tonnage "denoted in their Certificates of Registry or other national papers, and "thereupon it shall no longer be necessary for such ships to be remeasured "in any port or place in Her Majesty's Dominions, but such ships shall be "deemed to be of the tonnage denoted in their Certificates of Registry, or "other papers, in the same manner, to the same extent, and for the same "purposes, in, to and for which the tonnage denoted in the Certificate "of Registry of British Ships is to be deemed the tonnage of such ships;"

And whereas by "The Merchant Shipping Act, 1876," it is enacted that "when Her Majesty has power under 'The Merchant Shipping Act, "1854' or any Act passed or hereafter to be passed amending the same, to "make an Order in Council, it shall be lawful for Her Majesty from time to "time to revoke, alter or add to any Order so made;"

And whereas by an Order in Council dated 29th day of February, 1868, Her Majesty, to whom it was made to appear that the said rules for the measurement of the tonnage of Merchant Ships had been adopted by the Government of His Majesty the King of Denmark, was pleased to direct that the ships of Denmark, the Certificates of Danish nationality and registry of which were dated on and after the 1st October, 1867, should be deemed to be of the tonnage denoted in the said Certificates of Danish nationality and registry;

And whereas certain modifications have been recently made in the rules concerning the measurement of tonnage of Merchant Ships in force in Denmark, whereby, from and after the 1st day of October, 1878, the allowance for engine room in certain steam ships will be estimated in a mode differing from that in force in this country;

And whereas it has been made to appear to Her Majesty that it is desirable to alter the said Order in Council so far as the same applies or relates to the mode of estimating the allowance for engine room in Danish steamships: Her Majesty is hereby pleased, by and with the advice of Her Privy Council, to direct as regards Danish steamships that, if the owner or master of any merchant ship belonging to the said Kingdom of Denmark, and measured after the said 1st day of October, 1878, which is propelled by steam or any other power requiring engine room, desires the allowance for engine room in his ship to be estimated under the rules for engine room measurement and allowance applicable to British ships, instead of under the Danish rule, the engine room shall be measured and the allowance calculated according to British rules.

C. L. PEEL.

Imperial—Correspondence.

DOWNING STREET,
24th October, 1878.

SIR,—An application having been recently made for the recognition of an Officer in the Government Service of one of the Colonies as Consul of a Foreign State, I have the honour to inform you that Her Majesty's Government are of opinion that such appointments are undesirable, and have decided to make it the rule in future that Public Officers will not be allowed to act in a consular capacity for a Foreign State.

I have the honor to be, Sir,
Your most obedient, humble servant,
M. E. HICKS BEACH.

The Officer Administering
the Government of Canada.

Canada.—(General.)

Sir M. E. Hicks Beach to the Administrator.

DOWNING STREET,
31st October, 1878.

SIR,—I have the honour to acknowledge the receipt of the Earl of Dufferin's despatch, No. 193, of the 19th July, on the subject of the precedence of the Judges of the Supreme Court, and of the retired Judges of Provincial Courts.

I approve of the arrangement made by Lord Dufferin, by which the Judges of the Supreme Court take precedence next after the Speaker of the Senate, and I am of opinion that, as lately decided in the case of New Zealand and some of the Australian Colonies, retired judges of whatever courts should take precedence next after the present judges of their respective courts.

I have &c.,
M. E. HICKS BEACH.

The Officer Administering
the Government of Canada.

Extract from the London Gazette of Tuesday, 14th January, 1879

FOREIGN OFFICE,
13th January, 1879.

The Government of France have given notice for the termination of the following Commercial Treaties with this country:—

The Treaty of Commerce of the 23rd of January, 1860.
Additional Article of 25th of February, 1860.
Second Additional Article of 27th of June, 1860.

First Supplementary Convention of 12th of October, 1860.
Second Supplementary Convention of 16th of November, 1860.
Treaty of Commerce and Navigation of 23rd of July, 1873.
Convention Supplementary to ditto. of 24th of January, 1874, and—
Declaration relative to Expertise of 24th of January, 1874:
This Notice will take effect on the 1st of January, 1880.

(Circular.)

DOWNING STREET,
7th March, 1879.

SIR,—With reference to my Circular Despatch of the 24th of April last, enclosing regulations with regard to the interchange of visits between Officers of Her Majesty's Ships, and Governors, Lieutenant-Governors, Administrators, and Presidents of Colonies, I have the honour to state that questions having been raised respecting these regulations, it has been considered desirable to revise them, and I now transmit to you copies of the new rules for insertion in any volumes of the Colonial Regulations in use in the Colony under your Government.

2. You will observe that under the new regulations provision has been made for paying and returning visits in certain cases by deputy, and that it is provided that Officers acting temporarily in higher civil offices or commands are, in respect to visits, to be upon the same footing as if they were confirmed in such offices or commands,

3. The Lords Commissioners of the Admiralty have stated in reply to a reference made to them on the subject that the words "in command" in the regulations are used to designate all Officers who may be in command of any of Her Majesty's Ships, and are not intended to mean the Senior only of the Officers in command of vessels when two or more are present in Port at the same time.

I have the honour to be, Sir,
Your most obedient, humble servant,
M. E. HICKS BEACH.

The Officer Administering
the Government of Canada.

CHAPTER XIX.

INTERCHANGE of visits between Officers of Her Majesty's Ships and Governors, Lieutenant-Governors, Administrators, and Presidents of Colonies.

§ 431. 1.—A Governor is to receive the first visit from all Naval Officers in command.

2.—A Lieutenant-Governor is to pay the first visit to a Flag Officer or Commodore of the 1st Class, being a Commander-in-Chief, but to receive the first visit from all other Officers.

3.—An Administrator or President is to pay the first visit to all Flag Officers or Commodores, but to receive the first visit from all other Officers.

4.—Return visits are to be paid within 24 hours, and in person, to all Flag Officers, Commodores, Lieutenant-Governors, Administrators, and Presidents; but by an Aide-de-Camp or other Officer deputed by the Governor, Lieutenant-Governor, Administrator, or President, as the case may be, to all other Naval Officers.

5.—Should the Governor, or any other Officer administering the Government of a Colony, find that from indisposition or pressure of important business, he is unable to pay or return these visits in person, he will depute his Aide-de-Camp or some other Officer to do so. In like manner, should a Flag Officer or Commodore, from indisposition or pressing occupation, be precluded from paying or returning these visits, he will depute his Flag Lieutenant, or other Officer not below that rank, to do so. In each case the Officer failing to pay the required visit in person will report the circumstance, and assign the reasons which led to the omission, to the Department under which he is acting.

6.—Officers acting temporarily in higher civil offices or commands are, in respect to these visits, to be upon the same footing as if they were confirmed in such offices or commands.

7.—The Senior Naval Officers present will arrange, when necessary, to provide suitable boats to enable Governors, &c., to pay any official visits afloat, and to re-land them,—on their notifying their wishes to that effect.

ORDERS IN COUNCIL, &c.,

CANADA.

Governor General.

By Order in Council of the 14th day of April, 1879, His Excellency declared his assent to a Bill passed by the Legislative Council and Assembly of British Columbia and reserved by the Lieutenant Governor of that Province for the signification of the Governor General's pleasure thereon, on the 15th day of July, 1878, said Bill being intituled:—

"An Act to repeal certain Acts relating to the Church of England in this Province and to make provisions in lieu thereof."

Vide Canada Gazette, Vol. 12, p. 1296.

Agriculture, etc.

By a Proclamation, bearing date the 27th April, 1879, the following Regulations under the Act 35 Vict., Chap. 27, intituled "An Act relating to Quarantine," were declared to be in force, viz:—

1. That all vessels coming from the Baltic, or from the Black Sea, or from the Sea of Azoff, or from the Sea of Marmora, or from or having touched at any place in, or any place the passage from which is by, or through any of the said seas, be reputed coming from an infected port, and suspected of being capable of introducing in Canada, the plague or some other infectious disease or distemper dangerous to the public health.

2. The fact of such vessel or vessels coming from or having touched at such place or places aforesaid, shall render them subject to the application of the Quarantine Regulations in force for the ports of Quebec, St. John, Halifax, Pictou and Charlottetown, and to the Quarantine Regulations in force concerning all other ports of the Dominion.

3. The Medical Superintendents of the regular Quarantines established in virtue of the regulations first mentioned, and the Collector of Customs of each and every port of Canada, except the regular quarantine stations above mentioned, are to apply the regulations defining their duties to each such vessel or vessels coming from the Baltic, or from the Black Sea, or from the Sea of Azoff, or from the Sea of Marmora, or from or having touched at any place in, or any place the passage from which is by or through any of the said seas, dealing with said ships *ipso facto* as if it were ascertained that they appertained to the class of vessels ordered to be visited and dealt with by the said Medical Superintendents and Collectors of Customs for the purpose of Quarantine.

Agriculture, &c.

GOVERNMENT HOUSE, OTTAWA,
Wednesday, 21st day of May, 1879.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honourable the Minister of Agriculture, and under the provisions of the Act passed in the Session of the Parliament of Canada, held in the 42nd year of Her Majesty's Reign, chaptered 23, and intituled "*An Act to provide against infectious or contagious diseases affecting animals*,"—

His Excellency by and with the advice of the Queen's Privy Council for Canada, has been pleased to make the following Regulations to provide against the possibility of diseased animals being carried from place to place through Canadian territory, or conveyed and shipped from Canadian ports:—

1. An inspection of animals will be made at any place or port in Canada to which such animals are carried, in the manner prescribed by the instructions which may be given from time to time by the Minister of Agriculture.

2 Such animals as may be found to have been exposed to contagious or infectious disease, or to be labouring under contagious or infectious disease, shall be either detained or slaughtered in pursuance of the provisions of the said Act under direction of the Minister of Agriculture.

3. The officers appointed to carry out the law and the present regulations shall have free access to any boat, ship, vessel, car, van or other vehicle, or to any place where animals may be found, in order to inspect the same, and, under instructions from the Minister of Agriculture, deal with animals having been exposed to disease or with diseased animals, and the articles employed in their service in the manner contemplated by the said Act, under the penalties prescribed thereby against any person contravening any of the provisions thereof or of any regulations made thereunder.

4. The said Inspectors or officers may, if it be deemed necessary, order the cleansing and purifying of any place, vessel, vehicle or other article having been made use of to receive or transport or being about to receive and transport animals, and direct such precautionary measures to be taken as may be considered advisable.

5. Proprietors of or dealers in stock having moved animals towards a port of embarkation in Canada for export, must give notice to the Inspector appointed for such port by telegraph or by letter, at least twelve hours in advance of the time of the arrival of the said animals for shipment. and during the progress of inspection will, with the hands at their disposal, give assistance to the Inspector at such port, and move the animals according to the direction given them by the said Inspector. In case the owner refuses or neglects to furnish the necessary assistance, the Inspector may employ men at the cost of the shipper which shall be paid to the Inspector before a clean bill of health is given.

Agriculture, &c.

6. In order to prevent the danger of contagion or infection resulting from the over-crowding or over-lading of animals on board ships in any port in Canada, the Inspector shall not permit cattle or animals to be laden on board any ship in such port, until he shall be satisfied that suitable space and provision has been made for the number of cattle or animals to be shipped on board such vessel, and that a greater number of animals shall not be shipped than such ship can safely and properly carry; and such Inspector shall not grant a clean bill of health to such ship, until all such provisions as aforesaid shall be made to his satisfaction.

7. The Collector of Customs of any port where such inspection as aforesaid is adopted, shall not give a clearance to any ship having animals on board for exportation without being shown a clean bill signed by the Inspector to the effect that the measures provided by the said Act and the present regulations have been obeyed and carried out.

8. Any person refusing to submit to the present regulations, or avoiding their being carried into effect, or impeding any Inspector or officer in the discharge of the duties assigned to them, shall be guilty of an offence against the "*Act to provide against infectious or contagious diseases affecting animals*," and shall be punished according to the provisions of the said Act.

W. A. HIMSWORTH,
Clerk, Privy Council.

Customs.

By Order in Council of the 25th January, 1879, it was ordered that the articles known as "Coir Yarn" and "Mexican grass twine" for the manufacture of matting should be and the same were placed in the schedule of goods admitted free of Customs duty under the authority of Section 125, Clause 11, of the Act 40 Vict., Chap. 10, entitled "*An Act to amend and Consolidate the Acts respecting the Customs.*"

Vide Canada Gazette, Vol. 12, p. 879.

By Order in Council of the 17th February, 1879, Edmundston, in the County of Victoria, in the Province of New Brunswick, was declared to be an Outport of Customs and warehousing Port under the survey of the Collector of Customs at the Port of Grand Falls.

Vide Canada Gazette, Vol. 12, p. 984.

Customs.

By Order in Council of the 27th day of March, 1879, St. Thomas, Province of Ontario, heretofore an Outport of Customs under the Port of London, was erected as an independent Port of Entry and Warehousing Port to take effect from the 1st of April, 1879.

His Excellency further ordered that the Ports of Port Burwell and Port Stanley, in the said Province, should be reduced to the rank of Outports, and placed under the survey of the Collector of Customs of St. Thomas from the same date.

Vide Canada Gazette, Vol. 12, p. 1176.

GOVERNMENT HOUSE, OTTAWA.
Wednesday, 2nd April, 1879.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL,

WHEREAS by the Act passed in the 35th year of Her Majesty's Reign, intituled "*An Act to amend an Act of the present Session and to enable the Governor in Council to impose a duty on Tea and Coffee imported from the United States in the case therein mentioned,*" it is provided " that if at any time any greater duty of Customs should be payable in the United States of America on tea or coffee imported from Canada than on tea or coffee imported from any other country, then the Governor in Council may impose on tea or coffee imported into Canada from the said United States a duty of Customs equal to the duty payable in the United States on tea or coffee imported from Canada ; provided that tea or coffee imported into Canada from any country other than the said United States, but passing in bond through the United States, shall be free from duty.

And whereas tea and coffee imported into the United States from Canada are subject to a duty of ten per cent. *ad valorem*, while teas and coffees imported from countries east of the Cape of Good Hope are free from duty,—

His Excellency in Council, on the recommendation of the Honourable the Minister of Finance, and under the authority aforesaid, has been pleased to order, and it is hereby ordered, that a duty of ten per cent. be imposed, from and after this second day of April instant, and the same is hereby authorized to be levied and collected on tea and coffee imported into Canada from the United States of America, from and after this date.

W. A. HIMSWORTH,
Clerk, Privy Council.

Customs.

GOVERNMENT HOUSE, OTTAWA,
Tuesday, 29th day of April, 1879.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honourable the Minister of Customs, and under the provisions of the 125th Section, Sub-secs. 7 and 15, of the Act passed in the Session of the Parliament of Canada. held in the 40th year of Her Majesty's Reign, chaptered 10, and intituled "*An Act to amend and consolidate the Acts respecting the Customs*,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the following regulations providing for the warehousing of coal imported into Canada, be and the same are hereby approved and adopted :—

1. The yards, sheds or other buildings in which importers of coal, for the purposes of sale, desire to store the same, may be accepted as warehouses, and coal may be entered for warehouse and stored therein without payment of duty in the same manner and under llke conditions for ex-warehousing for consumption, removal or exportation, as provided by law for the warehousing of any other goods, except as hereinafter provided.

2. The importer of coal, desiring to warehouse the same, as above provided, shall make due entry of the same for warehouse, giving full particulars as required by the established form of such entries, and shall also give bonds for double the amount of the duty accruing upon the same, according to the terms of the tariff then in force,—such bonds to be duly executed by himself as principal and two persons of good standing acceptable to the Collector or the Minister of Customs, as sureties, and conditioned for the due payment of duty or export of the whole quantity so warehoused within six calendar months from date of such bond

3. The proprietor of coal so warehoused shall make due entry once a week of the quantity removed, sold or exported, provided that the whole quantity must be so entered within the said term of six months for which the bond was given, subject to all penalties, fines and forfeitures provided by the Customs Act, 40 Victoria, Chap. 10, for frauds connected with warehousing and warehoused goods.

W. A. HIMSWORTH.
Clerk, Privy Council.

By Order in Council of the 16th day of May, 1879, Sussex, in the Province of New Brunswick, was erected an Out Port of Entry and a Warehousing Port, under the survey of the Collector of Customs at the Port of St. John.

Vide Canada Gazette, Vol. 12, p. 1501.

Customs.

GOVERNMENT HOUSE, OTTAWA,
Wednesday, 11th day of June, 1879.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Customs, and under the provisions of the 13th Section of the Act passed in the Session of the Parliament of Canada, held in the thirty-third year of Her Majesty's Reign, chaptered nine, and intituled "An Act to amend the Acts respecting Customs and Inland Revenue, and to make certain provisions respecting vessels navigating the inland waters of Canada above Montreal," and Sub-sec. 11 of Sec. 125, and Sec. 136, of 40 Vict., Chap. 10, intituled "An Act to amend and consolidate the Acts respecting the Customs."

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to make the following regulations governing the drawback of Customs duty paid on sheet-tin, or tin plates and other materials used in the manufacture of packages for articles exported, that is to say:—

Regulations governing the drawback of Customs duty paid on sheet-tin or tin-plates and other materials used in the manufacture of packages for articles exported, under authority of 33 Vict, Chap. 9, Sec. 13, and of 40 Vict., Chap. 10, Sub-sec. 11 of Sec. 125 and Sec. 136.

There may be paid under the above named authority and on the following conditions, a drawback on all sheet-tin or tin-plates and other material used in the manufacture of packages for articles exported from Canada, the sum of seventeen cents for each box of said tin used in such manufacture, if imported prior to the 15th day of March, 1879, or, the sum of thirty-four cents for each box of said tin used and imported subsequent to said date; which sum shall be held to include the drawback on the solder, acid or any and all other materials used in the manufacture of said packages:

Provided always, that claim for such drawback shall have been made in due form, as hereinafter set forth, within two years from the time duty was paid on such tin.

The proprietor of any fish canning establishment or other manufactory making use of tin for the purpose above named, claiming drawback under the above named Acts, or either of them, shall, in order to entitle himself thereto, make claim for such drawback within the time above specified, and within ten days of the date of the export of the packages on which drawback is claimed, and shall deliver to the Collector of Customs at the port where entry outward was made,—for transmission to and approval of the Customs Department at Ottawa—

1st. A certified copy of the export entry of the articles in the manufacture of which such sheet tin or tin plate has been used;

2nd. A certificate signed by the Collector of Customs at the port from whence exported, showing the name of and date of clearance and sailing of

the vessel or number and distinguishing marks of and date of the departure of the railway car in which such articles were shipped, and naming the foreign port for which such vessel cleared, or for which such railway car was despatched;

3rd. A bill of lading of such articles, duly signed by the master, purser or agent of the vessel or railway by which exported;

4th. His own declaration subscribed to under oath, showing the date or dates and number or numbers of the entries inwards, on which duty was paid on the tin so used and exported, the quantity of tin used in the said manufacture of the packages for the articles exported—distinctly showing the quantity used out of that paying duty on each entry, where there was more than one entry thereof—the number of packages exported on which the claim for drawback is made, with the distinguishing marks or numbers thereon, the name of the consignee and port of destination, with the name of the vessel or line of railway and number of car in which exported;

The declaration shall also show that the packages were wholly manufactured in the Dominion from the tin in question and other materials, and that the articles described in the bill of lading attached to said claim are the articles referred to in the claim itself, and that none of them are intended to be relanded in Canada.

The Minister of Customs is hereby empowered to cause to be prepared such form or forms for claims and vouchers not inconsistent with the foregoing as he may deem expedient; and also order any change in the *pro ratâ* allowance for drawback rendered necessary by the fluctuations of market value.

W. A. HIMSWORTH,
Clerk Privy Council.

GOVERNMENT HOUSE, OTTAWA,
Friday, 13th day of June, 1879.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Customs, and under the authority given and conferred by the 59th Section of the Act 40 Victoria, Chap. 10, intituled "An Act to amend and consolidate the Acts respecting the Customs,"—His Excellency the Governor General in Council has been pleased to make and prescribe the following regulations for slaughtering and curing imported swine in bond:—

1. Upon the importation of swine, for the purpose of slaughtering, the importer shall enter the same for warehouse upon the usual form of such entries, stating upon its face the number, live weight and value of the herd, and the rate and amount of duty as prescribed by the tariff in force at the time of making such entry. Such importer shall then execute

a bond to the Queen, with two sufficient sureties to the satisfaction of the Collector of Customs at the port where such carcasses are imported or warehoused, in double the amount of such duty, the condition of such bond shall be that upon due exportation within one year of the products of the swine so imported, slaughtered and cured in the form of pork, bacon, hams, shoulders and lard, or payment of the duty secured by the said bond, then the said bond shall be and become null and void, otherwise shall remain in full force and virtue.

2. After the reception of the swine into the bonding warehouse or slaughter house, it shall not be lawful to remove any of them alive therefrom, nor shall any part of the produce of such swine be removed therefrom for any purpose, without a permit from the Collector or proper officer of Customs, as in the case of all other bonded goods.

3 The bond given by the importer as before specified shall be cancelled upon payment of the current rate of duty imposed upon swine imported into Canada, or upon exportation of seventy per cent. of the actual live weight of the swine as originally entered, in the form of pork, bacon, hams, shoulders and lard; and if a less quantity than seventy per cent. is exported, then duty shall be paid upon the quantity deficient, at the rate imposed upon the live animal in proportion to value.

4. Swine imported in the carcass to be cured and packed in bond may be entered in the usual way for warehouse, and be placed in the premises established as a warehouse of this class for the special purpose of curing and packing. The weight and value of such carcasses shall be stated upon the face of the entry for warehouse; and the importer shall execute a bond to the Queen with two sufficient sureties to the satisfaction of the Collector of Customs at the port where such carcasses are imported or warehoused, in double the amount of duty accruing thereupon to be calculated according to the highest rate of duty imposed by the tariff upon any part or parts of the said carcasses, conditioned for the due exportation of the same or payment of duty within one year from date of first entry.

5. The meats being the produce of such carcasses, shall be calculated for exportation or duty, as the case may be, after allowing in respect of meat in pickle a reduction of five per cent. from the original weight, or weight for first entry, and these percentages may be deducted by compensation entries from the warehouse books at the time of each ex-warehouse entry, in proper proportions; and if any less quantity is exported than the original weight, less the allowance above specified, the duty shall be collected upon such deficiency at the rate of duty required, at the time by law, upon meats of the kinds exported.

W. A. HIMSWORTH,
Clerk, Privy Council.

Customs.

GOVERNMENT HOUSE, OTTAWA.
Friday, 13th day of June, 1879.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Customs, and under the authority given and conferred by the 125th Section, Clause 1, of the Act 40 Victoria, Chapter 10, intituled "An Act to amend and consolidate the Acts respecting the Customs,"—His Excellency the Governor General has been pleased to make and prescribe the following "Regulations" respecting the refining of sugar and molasses in bond :—

1. That the Collector or other proper officer of the Customs at any warehousing port in the Dominion of Canada may deliver, without payment of duty, to the proprietor of any sugar refinery, being also the importer or owner of any warehoused sugar, molasses or other material from which refined sugar can be produced, on proper entry of the same, any quantity of such sugar, molasses or other material for the purpose of being refined in the Dominion of Canada, in such place and on such premises as shall be particularly described by such proprietor so being the importer or owner.

2. That such sugar refinery and the premises thereunto belonging, in accordance with the description to be given thereof, as aforesaid, shall, for the purposes of refining sugar under the above mentioned Act, be deemed and considered as a Government bonded warehouse, and that none of the sugar, molasses or other material, so brought into the said refinery or upon the said premises, shall be removed therefrom without a proper ex-warehouse entry and due payment of all duties on the same, if entered for home consumption, or upon due entry thereof for exportation, under the usual bonds; nor shall any refined sugar or other extract produced from the sugar, molasses or other material aforesaid, be removed from the said refinery and premises without entry, as aforesaid, either for consumption, for removal or exportation, and payment of all Customs duties legally due on the sugar, molasses or other material from which the said refined sugar shall have been manufactured, as the case may be.

3. That before the importer or owner of any sugar, molasses or other material aforesaid shall, for the purpose of refining the same, as aforesaid, be entitled to obtain the delivery thereof—either ex-ship, upon their importation into the Dominion of Canada, to be carried immediately to the sugar refinery and premises aforesaid, or out of any of the Queen's warehouses in which the same may be warehoused—he shall give bond with two sufficient sureties, to the satisfaction of the Collector of Customs, at the port where such sugar, molasses or other material are imported or warehoused, in a penalty of double the amount of the duties payable on the same, with the condition that the whole amount of the duties so payable upon the quantities of sugar, molasses or other material so delivered upon arrival or out of warehouse, as aforesaid, for the purpose of being so refined in bond, shall, within six months from the date of the bond to be so entered into, be

well and truly paid to the Collector of Customs aforesaid for the use of Her Majesty in the Dominion of Canada. And the said importer or owner shall, before he can obtain the delivery aforesaid, further enter into and execute to the Collector, for the use of Her Majesty, as aforesaid, a general bond,—the said importer or owner in the penal sum of $10,000, and two approved sureties in the sum of $5,000 each,—conditioned that at no period shall the quantity of sugar, raw or refined, in the said refinery or warehouse be less than the quantity on which the bond or bonds for duties hereinbefore mentioned shall be outstanding and unpaid.

4. And for the purpose of further securing the due observance of the foregoing Regulations, the Collector of Customs, the Surveyor or Warehouse-Keeper, or other approved officer of Customs, at the port where the goods shall be so bonded, or at the port nearest to the said sugar refinery, shall, at all proper times of the day, have free access to and upon the said refinery and premises for the purpose of verifying the quantity of sugar, molasses or material aforesaid therein; and any reasonable expenses attending such inspection shall be borne and defrayed by the importer or owner of the sugar, molasses or other material so undergoing refinement in bond.

W. A. HIMSWORTH,
Clerk, Privy Council.

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By Orders in Council, bearing date the 13th June, 1879, the following articles were placed in the schedule of goods entitled to a free admission, viz:—

"Woollen rags."

"Gas Coke," when used in Canadian manufactures only.

Vide Canada Gazette, Vol. 12, p. 1651.

Finance.

By a Proclamation, bearing date the 30th day of July, 1878, it was declared that the Act, made and passed by the Parliament of Canada, in the forty-first year of Her Majesty's Reign, intituled "An Act to provide "for the better auditing of the Public Accounts," should come into force upon, from and after the first day of August, 1878.

Vide Canada Gazette, Vol. 12, p. 130.

Inland Revenue.

Inland Revenue.

TARIFF, BRITISH COLUMBIA TELEGRAPH.

	Barkerville.	Stanley.	Quesnelle.	Soda Creek.	Stables.	Bridge Creek.	Mount Begbie.	Clinton.	Caché Creek.	Spence's Bridge.	Lytton.	Yale.	Hope.	Vista.	Chillewack.	Matsqui.	Langley.	New Westminster.	Burrard Inlet.	Nootsack.	Lehame.	Samish.	La Conner.	Victoria.
Barkerville	0	33	33	33	50	50	50	66	66	66	66	66	82	82	82	82	82	82	82	82	82	82	82	82
Stanley	...	...	33	33	50	50	50	50	66	66	66	66	66	82	82	82	82	82	82	82	82	82	82	82
Quesnelle	...	...	...	33	33	50	50	50	50	50	66	66	66	66	66	66	66	82	82	82	82	82	82	82
Soda Creek	...	...	...	...	33	33	33	50	50	50	50	66	66	66	66	66	66	66	66	66	66	66	82	82
Stables	...	...	...	...	..	33	33	33	33	50	50	50	50	66	66	66	66	66	66	66	66	66	66	66
Bridge Creek	...	...	...	...	...	...	33	33	33	33	50	50	50	50	66	66	66	66	66	66	66	66	66	66
Mount Begbie	...	...	...	...	...	...	...	33	33	33	33	50	50	50	50	66	66	66	66	66	66	66	66	66
Clinton	...	...	...	...	...	...	...	...	33	33	33	50	50	50	50	50	50	50	50	50	50	66	66	66
Caché Creek	...	...	...	...	...	...	...	...	...	33	33	33	33	50	50	50	50	50	50	50	50	50	66	66
Spence's Bridge	...	...	...	...	...	...	...	...	...	...	33	33	33	33	50	50	50	50	50	50	50	50	50	50
Lytton	...	...	...	...	...	...	...	...	...	...	...	33	33	33	33	50	50	50	50	50	50	50	50	50
Yale	...	...	...	...	...	...	...	...	...	...	...	...	33	33	33	33	33	33	33	33	33	50	50	50
Hope	...	...	...	...	...	...	...	...	...	...	...	...	...	33	33	33	33	33	33	33	33	33	50	50
Vista	...	...	...	...	...	...	...	...	...	...	...	...	...	...	33	33	33	33	33	33	33	33	33	33
Chillewack	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	33	33	33	33	33	33	33	33	33
Matsqui	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	33	33	33	33	33	33	33	33
Langley	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	33	33	33	33	33	33	33
New Westminster	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	33	33	33	33	33	33
Burrard Inlet	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	50	50	50	50	50
Nootsack	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	33	33	33	33
Lehame	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	33	33	33
Samish	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	33	33
La Conner	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	W V
Victoria	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	0

The above tariff is for messages of 10 words or under.

Where the charge for 10 words is 33 cts., each additional word will be 2 cts.

do	10	do	50	do	do	3
do	10	do	66	do	do	4
do	10	do	82	do	do	5

The word "collect" in collect messages is counted as one word.

VICTORIA, B.C., April 5th, 1878.

PRIVY COUNCIL CHAMBER,
OTTAWA, 30th April, 1878.

I certify that the foregoing tariff was approved by His Excellency the Governor General in Council on the 30th April, 1878.

W. A. HIMSWORTH,
Clerk, Privy Council.

Inland Revenue.

By Order in Council of the 6th day of June, 1878, the Town of Belleville, in the Province of Ontario, was constituted a port from which goods subject to duties of excise may be exported in bond.
Vide Canada Gazette, Vol. 11, p. 1292.

GOVERNMENT HOUSE, OTTAWA.
Saturday, 13th day of July, 1878.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

WHEREAS, by the Act 34 Vic. Chap. 13, Sec. 12, intituled " An Act respecting the force and effect of the Acts of the Parliament of Canada, " in and in relation to the Province of Manitoba and the Colony of British " Columbia when it becomes a Province of the Dominion—"

It is provided " that such provisions of the laws of Canada respecting " the Inland Revenue, other than those fixing the amount of duties, as may " be, from time to time, declared by the Governor in Council applicable to " the Province of British Columbia after admission into the Union, as afore- " said, shall apply thereto and be in force therein accordingly :"

His Excellency, by and with the advice of the Privy Council, and under the authority of the said Act, has been pleased to order, and it is hereby ordered, that all the Inland Revenue Laws of Canada, as well as all Orders in Council at present having the force of law, and all departmental instructions made thereunder (so far as they are not inconsistent with any special legislation heretofore effected in relation to the said Province) be, and they are hereby declared to apply to and be in force in the said Province of British Columbia.

W. A. HIMSWORTH,
Clerk, Privy Council.

By Order in Council of the 3rd day of March, 1879, the County of Picton, in the Province of Nova Scotia, was constituted an Inspection Division for the purposes of the Inspection of Staple Articles Act.
Vide Canada Gazette, Vol. 12, p. 1061.

REGULATIONS

Respecting the ferry over the Ottawa River between Thurso, in the Province of Quebec, and the Township of Clarence, in the Province of Ontario. Approved by the Governor in Council the 12th day of April, 1879.

1st—Limits.

The limits of the Ferry shall extend to a distance of one mile above and one mile below the Village of Thurso, in the Province of Quebec, and to a similar distance above and below a point in the Township of Clarence, immediately opposite thereto, in the Province of Ontario.

2nd—Landing Stages.

Suitable landing stages or wharves serviceable at all states of the water in the River must be constructed on both sides, subject to the approval of the Department of Inland Revenue.

3rd—Ferry Boat.

The lessee shall provide and maintain a vessel, propelled either by steam, horse power or by oars, suitable for the conveyance of passengers, horses, cattle and all ordinary vehicles, with safety and reasonable dispatch, and such vessel shall be subject to the approval of the Department of Inland Revenue.

4th—Number of Trips.

During the season of navigation the ferry boat shall commence running daily (Sundays excepted) at 6 o'clock a. m., and shall continue to cross thereafter as often as may be found necessary for the convenience of the public—the number of such crossings to be determined from time to time by the Department of Inland Revenue. Until otherwise determined, the lessee shall provide convenient and sufficient means of signalling, and shall cross from side to side whenever signalled to do so.

5th—Tariff.

	Cts.
For a two-horse cart and conveyance and driver, each way	60
For one-horse cart or conveyance and driver, each way	50
For one horse	40
For each additional horse, being the property of the same person	20
For each head of horned cattle	40
For each additional head of horned cattle, the property of the same party	15
For each head of swine or sheep	15
For each additional head of swine or sheep the property of the same party	5
For each passenger with baggage not exceeding 50 lbs	15
For each package of merchandise or goods (other than the above) under 100 lbs	5
Lots of freight, weighing over 100 lbs and under 1,000 lbs. (per hundred)	5
Lots of freight over 1,000 lbs. (per hundred)	3

6th.

The ferry boat shall be placed on the route fully completed and equipped, and the landing stage shall be fully constructed on or before the first day of June, 1879.

7th.

The lease will be granted for a period of five years, from the first day of June, 1879.

8th.

The lessee will be required to give two sureties satisfactory to the Department of Inland Revenue, who shall be held jointly and severally in the sum of $200 for the full compliance by the lessee with the terms of the lease.

9th.

The right is reserved to the Department of Inland Revenue of rejecting the ferry boat or landing stages, or either of them, should any of them be deemed unsuitable for the services or unsafe to the public, or inadequate to meet the public wants. The right is also reserved to the Governor in Council to modify the maximum tariff should it be found expedient in the publc interest to do so; and the Governor in Council may declare the lease forfeited and void whenever it shall be satisfactorily shewn that the lessee fails to comply with the conditions thereof.

10th.

A notice of the rates of fares and tolls to be charged for ferriage shall be put up in a conspicuous place near the ferry landing on both sides, and also on board the ferry boat employed.

REGULATIONS

Respecting the ferry across the Ottawa River between the Remique and Deschênes Rapids. Approved by Order in Council 12th April, 1879.

1st—Limits.

The limits of the ferry shall extend from the Remique to the Deschênes Rapids, upon the Ottawa River, the distance being about two miles.

2nd—Landing Stages.

Suitable landing stages or wharves, serviceable at all states of the water in the river, must be constructed on both sides, subject to the approval of the Department of Inland Revenue.

3rd—Ferry Boat.

The lessee shall provide and maintain a vessel propelled either by steam, horse-power or by oars, suitable for the conveyance of passengers, horses, cattle and all ordinary vehicles with safety and reasonable dispatch, and such vessel shall be subject to the approval of the Department of Inland Revenue.

Inland Revenue.

4th—Number of Trips.

During the season of navigation the ferry boat shall commence running daily (Sunday excepted) at 6 o'clock a. m., and shall continue to cross thereafter, as often as may be found necessary for the convenience of the public, the number of such crossings to be determined from time to time by the Department of Inland Revenue. Until otherwise determined, the lessee shall provide convenient and sufficient means of signalling, and shall cross from side to side whenever signalled to do so.

5th—Tariff.

	Cts.
For a two-horse cart or conveyance and driver, each way	60
For one-horse cart or conveyance and driver, each way	50
For one horse each way	40
For each additional horse, the property of the same party	20
For each head of horned cattle, each way	40
For each additional head of horned cattle, the property of the same party, each way	15
For each head of swine or sheep	15
For each additional head of swine or sheep, the property of the same party	5
For each passenger (with baggage not exceeding 50 lbs)	15
For each package of merchandise or goods (other than the above) under 100 lbs	5
For lots of freight weighing over 100 and under 1,000 lbs. (per 100 lbs.)	5
For lots of freight weighing over 1,000 lbs. (per 100 lbs.)	3

6th.

The ferry boat shall be placed on the route fully completed and equipped, and the landing stages shall be fully constructed on or before the first day of June, 1879.

7th.

The lease will be granted for a period of five years, from the first day of June, 1879.

8th.

The lessee will be required to give two sureties satisfactory to the Department of Inland Revenue, who shall be held jointly and severally in the sum of $200 for the full compliance by the lessee with the terms of the lease.

Inland Revenue.

9th.

The right is reserved to the Department of Inland Revenue of rejecting the ferry boat or landing stages, or either of them, should any of them be deemed unsuitable for the service, or unsafe to the public, or inadequate to meet the public wants. The right is also reserved to the Governor in Council to modify the maximum tariff should it be found expedient in the public interest to do so; and the Governor in Council may declare the lease forfeited and void whenever it shall be satisfactorily shewn that the lessee fails to comply with the conditions thereof.

10th.

A notice of the rates of fares and tolls to be charged for ferriage shall be put up in a conspicuous place near the ferry landing on both sides, and also on board the ferry boat employed.

By Order in Council of the 9th day of April, 1879, the County of Colchester, in the Province of Nova Scotia, was constituted an Inspection Division for the purposes of the Inspection of Staple Articles Act.
Vide Canada Gazette, Vol. 12, p. 1261.

By Order in Council of the 25th day of April, 1879, the City of Winnipeg, in the Province of Manitoba, was constituted a Port of Entry at which raw or leaf tobacco may be imported in bond.
Vide Canada Gazette, Vol. 12, p. 1384.

By Order in Council of the 25th day of April, 1879, the Township of Argyle, in the County of Yarmouth, Province of Nova Scotia, was constituted a separate district for the inspection of Fish and Fish Oils.
Vide Canada Gazette, Vol. 12, p. 1334.

By Order in Council of the 27th day of April, 1879, the Town of Chatham, in the Province of Ontario, was added to the list of ports mentioned in the "Act for better securing the payment of duty imposed on Tobacco manufactured in Canada," at which raw or leaf tobacco may be imported into Canada.
Vide Canaaa Gazette, Vol. 12, p. 1372.

Justice.

By Proclamation, dated 25th May, 1878, the Act 41 Vict., Chap. 17, intituled "An Act for the better prevention of crimes of violence in certain parts of Canada, until the end of next Session of Parliament," was applied to and put in force in the City of Montreal and County of Hochelaga.

Vide Canada Gazette, Vol. 11, p. 1219. (*Act continued by* 42 V., c. 31.)

By a Proclamation, dated 8th August 1878, the tract of land situate in the Province of British Columbia and described as follows, to wit:—

All that parcel of land situate in the District of New-Westminster, in the Province of British Columbia, known as the Penitentiary Reserve and described as follows: Commencing at a point marked with a stone post, situated on the west side of the public road from New-Westminster to the Reserve and on to the Pitt Meadows, thence, at a bearing by compass of north sixty-three degrees thirty minutes west, length two thousand six hundred links; thence north eighty-two degrees west, length three thousand one hundred and forty-five links; thence north twenty-seven degrees twelve minutes east, length one thousand links; thence north thirty-eight degrees fifty-five minutes east, length one hundred and twenty-five links, across the public road; thence north eighty-five degrees twenty minutes west, length nine hundred and thirty-eight links; thence north sixty-seven degrees thirty-nine minutes east, length two thousand three hundred and sixty-five links; thence south twenty-two degrees twenty-one minutes east, length one hundred links across the public road; thence south thirty-two degrees twenty-one minutes east, length seven hundred and thirteen links; thence north eighty-one degrees forty-one minutes east, length nine hundred and thirty-seven links; thence north seven degrees forty minutes west, length two hundred and fifty links; thence south twenty-two degrees twenty minutes east, length seven hundred links; thence south twenty-two degrees twenty minutes east, length one hundred links, across the public road; thence north sixty-seven degrees thirty-nine minutes east, length four hundred and fifty-five links to right bank of Frazer River; thence along said right bank to a point distant four thousand and seventy-five links from said last mentioned point, and measured in a right line; thence at a bearing by compass of north sixty-three degrees thirty minutes west, length one hundred links, to the point of commencement; containing ninety-six acres and sixteen hundredths of one acre, more or less,—was declared and constituted a Penitentiary, and is to be so held within the meaning of the "Act respecting Penitentiaries and the inspection thereof," and for all the purposes thereof.

Vide Canada Gazette, Vol. 12, p. 212.

By a Proclamation, dated the 20th day of December, 1878, it was ordered and declared that upon, from and after the first day of January, in the year of Our Lord one thousand eight hundred and seventy-nine, all

Justice, &c.

the sections of the Act for the better preservation of the peace in the vicinity of Public Works, except sections two, three, four, five, six, seven, eight, nine and ten, shall apply to and be in force in all those portions of the said Province of Ontario, of the District of Keewatin, and of the Province of Manitoba, lying within ten miles on each side of so much of the located line of the Canadian Pacific Railway, including the line itself, as is included within sections fourteen and fifteen thereof, now under contract to Messrs. Sifton and Ward, and Sutton, Whitehead and Thompson, respectively, which sections extend from Selkirk (Red River,) in Manitoba, Keewatin (Rat Portage,) in the Province of Ontario.
Vide Canada Gazette, Vol. 12, p. 704.

By a Proclamation bearing date the 19th day of May, 1879, it was proclaimed or declared that the "Act respecting the Offices of Receiver-General and Minister of Public Works" should come into and be in force on and after the twentieth day of May, 1879,
Vide Canada Gazette, Vol. 12, p. 1496.

Fisheries.

By Order in Council of the 6th day of July, 1878, the following additional Fishery Regulation for the District of Chester, in the County of Lunenburg, in the Province of Nova Scotia, was made and adopted :—

"From Westhaver's Point to New Harbour Point, no nets for the taking of Gaspereaux, Herring or Mackerel, shall be set from sunrise until sunset in each day of the week, within two hundred and fifty yards of the shore, during the fishing season, except Salmon nets in their respective and proper berths.

"Seines shall not be trapped in the District of Chester."
Vide Canada Gazette, Vol. 12, p. 39.

By Order in Council of the 13th day of March, 1879, the following Fishery Regulation was made and adopted :—

Lobster Fishery.

All previous Orders in Council relating to the Lobster Fishery are hereby rescinded, and the following substituted therefor :—

1. In that Part of the Province of Nova Scotia, comprising parts of the Counties of Cumberland and Colchester, on the Bay of Fundy, the Counties

Fisheries.

of Hants, Kings, Annapolis, Digby, Yarmouth, Shelburne, Queen's, Lunenburg, Halifax, Guysborough, Richmond, Cape Breton and Victoria; also in the Province of New Brunswick, comprising parts of the County of Westmoreland, and the Bay of Fundy, and the Counties of Albert, St. John and Charlotte; it shall be unlawful to fish for, catch, kill, buy, sell or (without lawful excuse) possess any Lobsters *from the first day of August to the first day of April* in each year.

2. In that part of the Province of Nova Scotia, comprising the Counties of Inverness, Antigonish, Pictou, and parts of Colchester and Cumberland, on Northumberland Strait; and that part of the Province of New-Brunswick comprising the Counties of Westmoreland (in part), Kent, Northumberland, Gloucester and Restigouche,—also, in the Provinces of Quebec and Prince Edward Island,—it shall be unlawful to fish for, catch, kill, buy, sell or (without lawful excuse) possess any Lobsters from the 20th day of August to the 20th day of April in each year.

3. It shall be unlawful at any time to fish for, catch, kill, buy, sell or possess any female Lobsters in spawn or with the eggs attached, soft shelled, or any young Lobsters of less size than nine inches in length measuring from head to tail, exclusive of claws or feelers; and when caught by accident in nets or other fishing apparatus lawfully used for other fish, they shall be liberated alive at the risk and cost of the owner of the net or other apparatus, or by the occupier of the fishery,—on either of whom shall devolve the proof of such actual liberation.

Vide Canada Gazette, Vol. 12, p. 1099.

By Order in Council of the 13th March, 1879, the place called Little Lake, off Mitchell's Bay, near the southern end of St. Ann's Island, in the Lake St. Clair, in the Province of Ontario, was set apart for the natural and artificial propagation of fish.

Vide Canada Gazette, Vol. 12, p. 1099.

By Order in Council of the 16th day of May, 1879, the use of trawls or bottom lines was prohibited in that part of the waters bordering on the south shore of Isle Madame, in the County of Richmond, Province of Nova Scotia, from Madame Island Point to Gros-nez.

Vide Canada Gazette, Vol. 12, p. 1501.

By Order in Council of the 16th day of May, 1879, the following Fishing Regulation was made and adopted:—

"The close time for shad and gaspereaux shall extend from sunset on Friday evening to sunrise on Monday morning, in each week, during which time it shall be unlawful to fish for, catch or kill, any shad or gaspereaux in the Dominion of Canada."

Vide Canada Gazette, Vol. 12, p. 1501.

Fisheries.

By Order in Council of the 16th day of May, 1879, those parts of the General Fishery Regulations adopted by the Governor-General in Council on the 3rd day of April, 1875, fixing close seasons for bass, pickerel and maskinongé, were repealed, and the following Regulation adopted :—

"In the Provinces of Ontario and Quebec no person shall fish for, catch, kill, buy, sell or possess any bass, pickerel (dorée) or maskinongé, between the 15th day of April and the 15th day of May in each year."

Vide Canada Gazette, Vol. 12, p. 1501.

By Order in Council of the 21st day of May, 1879, the streams known as North River, in the Counties of Argenteuil, Two Mountains and Terrebonne, and Salmon River, in the County of Huntingdon, in the Province of Quebec, with limits extending one half mile on either side of the mouth of each, were set apart for the natural and artificial propagation of fish.

Vide Canada Gazette, Vol. 12, p. 1501.

By Order in Council of the 11th day of June, 1879, the Order in Council of 27th August, 1877, setting apart the upper waters of the River Restigouche, in the Province of New Brunswick, for the natural and artificial propagation of fish, was rescinded, and the following Fishery Regulation was substituted in lieu thereof:—

"The upper waters of the River Restigouche, extending from and including the place called 'Jimmy's Hole' to and including the tributaries and sources of the same in the Counties of Restigouche and Victoria, in the Province of New Brunswick, are hereby set apart for the natural and artificial propagation of fish."

Vide Canada Gazette, Vol. 12, p. 1616.

By Order in Council of the 11th day of June, 1879, the following Fishery Regulation was made and adopted :—

"Fishing for salmon in the Dominion of Canada, excepting under the authority of leases or licenses from the Department of Marine and Fisheries, is hereby prohibited."

Vide Canada Gazette, Vol. 12, p. 1616.

Marine.

RULES AND REGULATIONS

For the government of Pilots for the Port of Miramichi in the Province of New Brunswick,

Made by the Pilotage Authority of the District of Miramichi under the Act 36 Vict., Chap. 54, and approved by Order in Council of the 10th April, 1875.

That, as well as all Rules and Regulations made by the Justices of Northumberland, those made by the Pilotage Authority under the said Act, and confirmed by His Excellency the Governor General in Council, on the 17th June, 1874, be, and the same are hereby repealed, and in lieu thereof:—

1. Every person now acting or holding a branch as a pilot for the Port or Harbour of Miramichi shall forthwith surrender the same to the Pilotage Authority of the said port or harbour, under the said Act, and shall, if legally entitled thereto, receive a license for the District of Miramichi, on payment of a license fee of five dollars, except licenses heretofore granted by the Pilotage Authority.

2. Every person, not already licensed, applying to be licensed as a pilot for the Pilotage District aforesaid, must make application in writing to the Secretary at the office of the Pilotage Authority, on the printed form, and be a resident of the County of Northumberland, of not less than twenty-one years of age, and shall have continuously served as an indentured apprentice (approved by the Pilotage Authority) in a licensed pilot boat for a term of not less than four years; shall also produce a certificate of good character while serving his apprenticeship from the pilot to whom he was indentured; and shall be examined by examiners appointed for that purpose by the Pilotage Authority of the said district, and at that examination shall answer such questions and show such qualifications as will warrant them in giving him a certificate of his competency to perform all the duties of a pilot in the said district; and a license shall forthwith issue to such person, on payment of the expense of such examination and a fee of five dollars

3. The rates of pilotage for the pilotage district of the Port or Harbour of Miramichi shall be as follows:—

When inward bound, $2.25 per foot for every foot of water such ship shall draw at the time.

When outward bound, $1.75 per foot if drawing less than eighteen feet of water, and $2.00 per foot if drawing eighteen feet or upwards.

For the removal of any ship or vessel, and seeing such ship or vessel properly secured and moored, the following rates, viz.:—The sum of $1.50 for vessels not exceeding 100 tons; the sum of $2.00 for vessels over 100 tons and not exceeding 200 tons; the sum of $3.00 for vessels over 200 tons and not exceeding 300 tons; and the sum of $4.00 for all vessels over 400 tons; and when the distance of removal exceeds four miles, fifty per cent. additional shall be allowed on the above rates; and after the first of November in each year, any Pilot taking out any ship or vessel shall be entitled to

demand and receive the sum of $4 00, in addition to the above rates, provided that such pilot shall have taken such ship or vessel clear to sea, leave her without causing any unnecessary delay, and without the ship or vessel being obliged to land such pilot.

4 If any such pilot shall offer his services to any ship or vessel appearing off or within the pilotage district, or intending to come, or which shall come into the Port or Harbour of Miramichi, and be refused, no other licensed pilot being on board, or having previously offered his services to such ship or vessel, such pilot so refused shall be entitled to demand and receive the rate of pilotage as if he had been actually employed to pilot such vessel into the port or harbour.

5 If any such pilot should offer his services to any ship or vessel outward bound after such vessel shall be cleared at the Custom House, and before being under weigh (no other pilot being on board or engaged to take out such ship or vessel), such pilot so offering shall be entitled to demand and receive the pilotage above mentioned, in like manner as if actually employed: Provided always that in no case, shall the pilot who brought the said ship or vessel into the said port have a claim to pilot her outwards by reason of his having so brought her into the said port, or from having arranged with the master of the said ship or vessel to pilot her outward, unless such arrangement take place after the arrival of the said vessel into the said port, and after the said vessel is secured and moored by such pilot to the satisfaction of the master of the said vessel.

6. Every licensed pilot shall be the registered owner of not less than four registered tons of a licensed pilot boat in actual service, of not less than ten tons register, under pain of suspension of his license.

7. On proof on oath to the satisfaction of the Pilotage Authority that any pilot licensed by them has been guilty of improper conduct, drunkenness, wilful neglect of duty, or that he is incapacitated by age, or mental or bodily infirmity, said pilot shall be suspended or deprived of his license, at the discretion of the Pilotage Authority

8. Every pilot shall report to the Secretary of the Pilotage Authority, on the forms furnished him, the name, tonnage, rig, nationality, where from, draught of water, &c., of every vessel piloted by him or them from sea, when boarded, and what extra services, if any, were rendered; to which report he shall, if possible, obtain the master's signature: he shall also report all vessels spoken by him which have refused to accept his services, and shall also report any casualty or accident that may have happened to any vessel under his charge, or any other matter of importance connected with vessels coming under his observation; and shall also report when any of the buoys are not in their places, or any of the light-houses are not lighted at the proper time, and kept lighted, or fog whistles not sounded in thick weather,—which report should he made as above, immediately after his arrival or as soon as office hours will permit.

9, *Disallowed.*

10. Every person wishing to become an indentured apprentice to a licensed pilot must make application on the proper form to the secretary, and have the rudiments of an ordinary English education, and be of good moral character, and approved by the Pilotage Authority, and on such

approval, be indentured to a licensed pilot to serve for a term of not less than four years, as a pilot apprentice on board of a Miramichi licensed pilot boat, under the direction and control of his indentured master, the conditions to be contained in the indentures to be subject to the approval of the Pilotage Authority.

11. All boats to be licensed as pilot boats shall be of not less than ten tons register, and shall be surveyed, and if satisfactory and recommended shall be licensed for a term of not exceeding one year, on payment of a license fee of $10. All licensed pilot boats at the end, or immediately before the expiring of the above named year, shall again be surveyed, and if found satisfactory to the Pilotage Authority, shall have their licenses renewed for a term not exceeding one year, which survey and examination shall be continued from year to year on the payment for the first license of a fee of $10, and for every renewal $5.

12. All licensed pilot boats shall have conspicuous numbers on the sails, such numbers to be designated by the Pilotage Authority.

13. Any licensed pilot boat that may, at any time, on examination by the Pilotage Authority, be found in any way unfit for the service for which she is licensed, shall have her license suspended until she is made and fitted out to the satisfaction of the Pilotage Authority, and the license so suspended shall, during such suspension, be lodged with the Secretary of the of the Pilotage Authority.

14. Any pilot taking charge of any inward bound vessel shall exhibit his license and also a copy of these Regulations to the master of such vessel for his perusal.

15. Any licensed pilot not complying with these Rules and Regulations or evading the sense, intent or meaning of any or either of them, shall be liable to a penalty not exceeding forty dollars for the breach of such Rule and Regulation, with, in case of continuing breach, a further penalty not exceeding $4 for every twenty-four hours during which such breach continues, and shall be liable to have his license withdrawn or suspended at the discretion of the Pilotage Authority.

Vide Canada Gazette, Vol. 12, p. 1016.

PRIVY COUNCIL CHAMBER,
OTTAWA, 15th May, 1876.

I hereby certify that the following changes, agreed to at a meeting of the Commissioners held at Newcastle, on the 29th April ultimo, in the Rules and Regulations for the government of Pilots for the Port of Miramichi, N.B., as approved by the Governor General in Council, on the 10th April, 1875, were submitted to and approved by His Excellency the Governor General in Council, on the 12th day of May, instant, viz.:—

That rule 1 be changed so as to read:—

"That all pilots who held licenses for the year 1875, and have complied with the present Regulations shall receive a license for 1876, on payment of a fee of four dollars."

That rule 3 be so amended,—

Marine.

"That outward bound vessels shall pay two dollars per foot drawing seventeen feet of water and upwards, instead of eighteen feet as by present Regulations."

W. A. HIMSWORTH,
Clerk Privy Council.

Vide Canada Gazette, Vol. 12, *p.* 1016.

By a Proclamation, bearing date the 4th day of May, 1878, the Act 37 Vict., Chap. 34, "to provide for the appointment of Harbour Masters for cer- "tain ports in the Provinces of Quebec, Ontario, British Columbia and Prince "Edward Island," and the Acts amending the same, were declared to be in force in and apply to the Port of Rondeau, in the County of Kent, Province of Ontario.

Vide Canada Gazette, Vol. 11, p. 1287.

ON a memorandum, dated 9th May, 1878, from the Honourable the Minister of Marine and Fisheries, having reference to the Order in Council of the 22nd September, 1874, authorizing that the Port of Windsor, in the Province of Nova Scotia, be proclaimed as one of the Ports to which the provisions of the Act 36 Vict., Chap. 9, intituled "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces Nova Scotia and New Brunswick" shall apply,—

It was ordered that the portion of the River Avon, extending from Windsor to an imaginary line drawn from Chiverie Point to Boot Island be considered a portion of the Harbour of Windsor for the purposes of the Act; and that the Harbour Master shall have jurisdiction, so that ballast may not be discharged in the waters to the detriment of the channel and anchorage grounds lying near Horton Bluff.

Vide Canada Gazette, Vol. 11, p. 1323.

ON a memorandum, dated 30th May, 1878, from the Honourable the Minister of Marine and Fisheries, having reference to the Order in Council of the 27th August, 1877, authorizing that the Port of Shelburne, in the County of Shelburne, in the Province of Nova Scotia, be proclaimed as one of the Ports to which the provisions of the Act 36 Vict., Chap. 9, intituled "An Act to provide for the appointment of Harbour Masters for "certain Ports in the Province of Nova Scotia and New Brunswick" shall apply,—

The limits of the Harbour of Shelburne aforesaid were defined to include all the waters lying northward of an imaginary line drawn east and west, touching the north end of McNutt's Island.

Vide Canada Gazette, Vol 11, p. 1323.

Marine.

RULES

For the Pilotage District of New London, Prince Edward Island.

Passed at a meeting of the Pilotage Authority on the 8th day of June, 1878, and approved by Order in Council of the 2nd day of July, 1878.

1. No pilot shall be under twenty-one years of age.

2. Every pilot must provide at his own expense a suitable pilot boat, not less than fifteen feet keel, and every pilot shall be on duty from opening to closing of navigation.

3. Every pilot boat must be provided with a red flag, five feet long and thirty inches wide, with the number, two feet long in white, also the letters P.Bd. in white, not less than twelve inches in length, underneath the number and across the flag.

4. The rate of pilotage for this District shall be as set forth in the following scale :—

	Beach.	Bay Vin.	Stanley.	Clifton.	Grenville.	Long Point.
	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
Vessels of 80 to 90 tons	6 00	8 00	8 00	8 00	10 00	10 00
do 90 " 100 do	6 50	8 50	8 50	8 50	10 50	10 50
do 100 " 110 do	7 00	9 00	9 00	9 00	11 00	11 00
do 110 " 150 do	10 00	12 00	12 00	12 00	14 00	14 00
do 150 upwards..	12 00	15 00	15 00	15 00	18 00	18 00

5. Every pilot licensed for the first time shall pay a fee of $5, and for every renewal the fee of $2.50.

6. The number of pilots for the district of New London shall not exceed three.

7. Any pilot belonging to another district in charge of a vessel shall immediately surrender his charge when spoken to within the limits of this district by any of its pilots.

8. Pilots hailing or tendering their services to vessels previous to entering a port within the limits of this district shall be entitled to half pay when rejected.

9. Any pilot incapacitated by mental or bodily infirmity or by habits of drunkenness, shall forfeit his license and not be at liberty to serve in the capacity of a licensed pilot; and any pilot guilty of drunkenness or incapacity while on duty shall be suspended for three months.

10. In case of any dispute arising between masters of vessels and pilots respecting pilotage, the matter shall be referred to one or more of the pilotage authority nearest the place of dispute.

Vide Canada Gazette, Vol. 12, p. 39.

Marine.

By Order in Council of the 6th day of July, 1878, under the provisions of "The Merchant Shipping Act, 1874," and the Acts amending the same, and of the Act passed in the 36th year of Her Majesty's Reign, intituled "An Act relating to Shipping, and for the registration, inspection and classification thereof," the Port of Moncton, Westmoreland County, in the Province of New Brunswick, was constituted and appointed a port for the registration of shipping.

Vide Canada Gazette, Vol. 12, p. 39.

By a Proclamation, bearing date the 9th day of August, 1878, the Act intituled "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island," and the Acts amending same were declared to apply to the Port of Cardigan River, in the Province of Prince Edward Island, including also the Port of Cardigan Bridge, formerly proclaimed under an Order in Council of the seventeenth day of June, in the year of Our Lord one thousand eight hundred and seventy-four.

Vide Canada Gazette, Vol. 12, p. 213.

RULES AND REGULATIONS,

Made under Order of the Governor-General in Council, of the 2nd day of September, 1878, for the government of the Pier at Inverhuron Harbour, in the County of Bruce, in the Province of Ontario, with Tariff of tolls and dues leviable thereat, in accordance with the provisions of Act 40 Vict., Chap. 17.

RULE I.—That no waggon or other vehicle shall drive along the docks or across the same, unless for the purpose of loading or unloading vessels.

RULE II.—That no lumber, lath, salt or other material shall be piled in or near the snubbing posts in such a manner that a vessel cannot be made fast.

RULE III.—That masters of vessels or other persons in charge of vessels or rafts, shall make a faithful report of the cargo, as to quantity and description, to the wharfinger at his office; and any master or person in charge of any vessel or raft neglecting to so report and pay the tolls and dues (except by permission of the wharfinger) shall be liable to have the vessel or raft of which he may be in charge, or of which he is master, seized and detained then, or at any future time, until such tolls and dues are paid, both on cargo and vessel; and the master, owner or person shall also be liable to the penalty provided by law.

RULE IV.—That any master or person in charge of any vessel or raft making a false report of cargo shall be liable to fine and imprisonment for each and every false report, and the vessel or raft shall be liable to detention then or at any future time until such dues are paid and satisfied; and if any master or person in charge of any vessel neglects to report her cargo,

such vessel or the owner thereof shall be liable for the tolls on such cargo at any future time, and the master thereof shall be liable to fine or imprisonment: the master or person in charge of any vesssel or raft shall report and pay the tolls to the wharfinger at his office.

RULE V.—That no person shall remove any goods, chattels, merchandize or material of any description from the wharf and docks on which the tolls and dues have not been paid, without the permission of the wharfinger.

RULE VI.—That no person shall throw overboard or discharge any ballast, refuse or rubbish of any description into the docks or upon the wharf.

RULE VII.—That all lumber, shingles, lath, salt, or any goods or merchandise, or material of any kind whatsoever, having been landed, piled or placed on the harbour property for shipment, shall be liable to harbour tolls, whether afterwards shipped or not. The fact of any having been landed, piled or placed on any part of the harbour property, shall be presumptive evidence that the owner intended to ship it, and said lumber, timber, salt, &c., shall, in consequence, be liable to pay the usual tolls, although afterwards removed by teams or otherwise, and shall likewise be liable to all the previous conditions as to removal and ground rent and sale, as hereinafter provided.

RULE VIII.—That no person shall ride or drive a horse or horses faster than at a walk on the wharf or harbour quay.

RULE IX.—That no lumber, timber, shingles, lath, pickets, ties, cedar posts or poles, cordwood, stone, plaster-stone, coal, salt or other goods, or materials of whatsoever nature or kind, shall be landed or placed in or upon any of the wharves, piers and lands of the harbour, unless by permission of the wharfinger, and then only on such portions of the harbour property as may be allotted to them for the time being, and shall be so landed and placed in such a manner as the wharfinger may direct; and goods, merchandise, lumber, salt or other material landed or placed on the harbour property, shall be shipped or removed within forty-eight hours; and in default of so shipping or removing said goods, lumber, salt or other material, it may be removed at the direction of the wharfinger, and the expense of such removal shall be a lien upon such property so removed; it shall also pay a rental of not more than one dollar for every succeeding forty-eight hours for each and every twelve feet square of the harbour property occupied by said goods, lumber, salt or other material; provided that in case the owner or agent of such goods, lumber, salt, or other material, refuses or neglects to ship or remove the same from the harbour property after the expiration of one month, it shall be lawful to sell and dispose of the same by public auction to defray the expenses and to pay ground rent, as above—eight days' notice of such sale to be given by posting handbills announcing it in the usual manner.

RULE X.—That no person shall obstruct the wharfinger in the performance of his duties.

RULE XI.—That the tolls and dues specified in the accompanying schedule shall be and they are hereby imposed and authorized to be levied and collected by the wharfinger on the several articles enumerated in said

schedule, entering the Port of Inverhuron, except on articles belonging to the Government of Canada, which are hereby exempt from payment of tolls and dues.

Rule XII.—The penalty for violation of the law, or any Rule or Regulation made thereunder, shall not exceed one hundred dollars, and punishment by imprisonment shall not exceed thirty days.

SCHEDULE.

Apples, per barrel	2	cts.
Apples, per bushel	1	"
Bacon, per 100 lbs	3	"
Bark, per cord	5	"
Beef and Pork, per barrel	4	"
Beef and Pork, per half barrel	2	"
Beef and Pork, per quarter barrel	1	"
Beer, Ale and Porter, per barrel	4	"
Beer, Ale and Porter, per half barrel	2	"
Beer, Ale and Porter, per quarter barrel	1	"
Boilers, per ton	25	"
Bricks of all kinds, per M	20	"
Building Stone, per cord	10	"
Butter, per 100 lbs	2	"
Calves, each	3	"
Carriages and Waggons of all kinds, with springs.	20	"
Carts, without springs, each	10	"
Cattle and Horses, per head	15	"
Cedar Posts, per 100	10	"
Cement, per barrel	3	"
Cheese, per 100 lbs	2	"
Cider, per barrel	3	"
Clover Seed, per bushel	2	"
Coal, per ton	5	"
Colts and Fillies, each	7	"
Corn Meal, Indian, per barrel	2	"
Cranberries, per barrel	5	"
Crockery, including China and Glass Ware, per crate	25	"
Cultivators, each	15	"
Earthenware, coarse, per crate	10	"
Eggs, per barrel, or box of 72 dozen	5	"
Fanning Mills, each	15	"
Fish, per barrel	2	"
Fish, per half barrel	1	"
Fish, dry, per 100 lbs	2	"
Flour, per barrel	2	"
Flour, per 100 lbs	1	"
Fruit, per 100 lbs., not otherwise provided for	5	"
Furniture, per ton measurement	30	"

Marine.

Grain of all kinds, except oats, per bushel	¼	cts.
Grain, Oats, per bushel	⅛	"
Grindstones, per ton	15	"
Gypsum, per ton	3	"
Hams, per 100 lbs	2	"
Hardware, per ton	25	"
Hay, per ton	10	"
Headings, barrel, per M	25	"
Hides or Skins, per 100 lbs	2	"
Hoops, per M	2	"
Hops, per 100 lbs	5	"
Horserakes, each	5	"
Iron, bar, per ton	15	"
Iron, pig, per ton	8	"
Iron, scrap, per ton	15	"
Lard, per barrel	5	"
Lard, per half barrel	2½	"
Lath, per thousand pieces	½	"
Leather, per 100 lbs	3	"
Lime, per barrel	2	"
Lime, per ton, in bulk	5	"
Lumber, sawn or square, per M feet B.M	8	"
Machinery, Engines, &c., per ton	25	"
Machines, Reaping and Mowing, each	50	"
Machines, Thrashing, each	75	"
Marble, per ton	25	"
Merchandise, dry goods, per ton	50	"
Millstones, per pair	80	"
Molasses, per hogshead	8	"
Nails and Spikes, per ton	25	"
Nursery produce, per ton	30	"
Oatmeal, per barrel	2	"
Oils, per barrel	5	"
Paints, per ton	25	"
Pearl and Pot Ashes, per barrel	8	"
Pickets, per 1000	3	"
Plaster, calcined, per barrel	4	"
Plaster, land, per barrel	2	"
Ploughs, each	3	"
Poles, Telegraph, each	¼	"
Potatoes and Roots, per bushel	¼	"
Rags, per ton	15	"
Rakes (hay) Snaths and Forks, per dozen	1	"
Rakes, horse, each	5	"
Root Slicers, each	5	"
Salt, per barrel	¼	"
Salt, per ton	1½	"
Sand, per ton	1½	"
Sawlogs, per M. feet, B.M	1	"

Marine.

Sheep, per head	2 cts.
Shingles, per M	½ "
Shingle or Stave Bolts, per cord	3 "
Slate, per ten feet square	8 "
Spirits of all kinds and Wines, per barrel	10 "
Spirits of all kinds and Wines, per half barrel	5 "
Spirits of all kinds and Wines, per keg or quarter barrel	2½ "
Spirits of all kinds and Wines, per dozen bottles	2 "
Staves, fish, flour and salt, per M	2 "
Staves, pipe, per M	50 "
Staves, West India, per M	25 "
Stone, cut, per ton	20 "
Stone, block, in the rough per ton	15 "
Stoves, per ton	20 "
Straw Cutters, each	5 "
Swine	2½ "
Ties, railroad, each	¼ "
Timothy Seed, per bushel	2 "
Vinegar, per barrel	4 "
Wood, per cord	2¼ "
Wool, per ton	30 "

W. A. HIMSWORTH,
Clerk, Privy Council.

By a Proclamation, bearing date the 5th day of September, 1878, the Act intituled "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island," and the Acts amending the same, were declared to apply to the Port of Amherst Harbour, Magdalen Islands. in the Province of Quebec.

See Canada Gazette, Vol. 12, p. 312

BY-LAWS,

Rules and Regulations of the Board of Pilotage Commissioners for the County of Hants. Approved by Order in Council of the 23rd September, 1878.

1. The pilot limits for the said County of Hants, in said pilotage district, are to embrace Cobequid Bay, the Basin of Minas, Minas Channel, and extend down the Bay of Fundy, until it strikes a line drawn from Cape Chignecto, in the County of Cumberland, to a point in the County of King's, where the division line between the Counties of King's and Annapolis strikes the Bay of Fundy,—such limits also to include the several ports, rivers and creeks in the County of Hants.

Marine.

2. For the purpose of establishing rates of pilotage for the aforesaid district, it has been divided into the following sub-divisions:—

No. 1 Sub-division shall extend from the port of Windsor, down to Avon, St. Croix and Kennetcook rivers, Hantsport and all landings on the said rivers, to a line from Horton Bluff to Indian Point; thence to extend to a line from Blomidon to Cape Sharp, thence extending seaward to Cape Split, thence to a line to Spencer's Island; thence from Spencer's Island seaward to Cape Chignecto, in the County of Cumberland; thence to a point in the County of King's, where the division line between the Counties of King's and Annapolis strikes the Bay of Fundy, such limits to include the several ports, rivers and creeks in the County of Hants.

No. 2 Sub-division shall include all places in the Shubenacadie River and Cobequid Bay, to a line from Burntcoat Light to Economy Point; thence extending seaward to a line from Cape Sharp to Cape Blomidon; thence seaward to Cape Split; thence in a line to Spencer's Island; thence from Spencer's Island seaward to Cape Chignecto, in the County of Cumberland; thence to a point in the County of King's where the division line between the Counties of King's and Annapolis strikes the Bay of Fundy, such limits to include the several ports, rivers and creeks in the County of Hants.

3. The pilotage dues in the district of Hants have been made compulsory, and the pilots appointed by the pilotage authority of that district are alone entitled to pilot ships or vessels to ports and places in the County of Hants, and the rates are as follows:—

For the first station of Sub-division No. 1, to and from Windsor, including St. Cróix, Kennetcook, Hantsport and all places in the Avon River except Grant's wharf (so called), to a line from Horton Bluff to Indian Point, the rate shall be 40 cents per foot inward and 40 cents per foot outward.

For the second station of Sub-division No. 1, to and from Horton Bluff to Cape Blomidon to a line across to Cape Sharp, 20 cents per foot inward and 20 cents per foot outward, additional to the rate named for first station.

4. For the third station of Sub-division No. 1, to and from Cape Blomidon to Cape Split,—thence in a line to Spencer's Island, inward, 40 cents per foot, and outward, 40 cents per foot, additional to the rates named for the first and second stations.

5. For the fourth station of Sub-division No. 1, to and from Grant's Wharf, Cheverie and Walton, and all landings on that shore, to a line from Cape Blomidon to Cape Sharp, inward, 40 cents per foot, and outward, the rates shall be 40 cents per foot.

6. For the fifth station of Sub-division No. 1, to and from Cape Blomidon, to Cape Split,—thence to a line to Spencer's Island, inward, 40 cents per foot, and outward, 40 cents per foot, additional to the rate named for the fourth station.

7 For the first station of Sub-division No. 2, from all places on the Shubenacadie River and Cobequid Bay in Hants County, to a line from Burntcoat Light to Economy Point, the rate shall be 40 cents per foot inward, and 40 cents per foot outward.

8. For the second station of Sub-division No. 2, from Economy Point to Cape Sharp,—thence in a line to Cape Blomidon, the rate shall be 20 cents per foot additional to the rate for the first station.

Marine.

9. For the third station of Sub-division No. 2, from Cape Blomidon to Cape Split, thence in a line to Spencer's Island, the rate shall be 40 cents per foot, additional to the rates mentioned in first and second stations of this sub-division.

10. Any vessel entering inward, bound to any place in the Sub-division No. 1, shall be piloted by a pilot licensed for that sub-division, but in case any of the pilots licensed for that sub-division cannot be obtained, then the pilots of Sub-division No. 2 are at liberty to board the vessel and pilot her, until they are spoken by any of the pilots of Sub-division No. 1, who will then be entitled to pilot the vessel to her destination,—the pilotage to be settled *pro ratâ* for the distance by the pilotage authority; and pilots of Sub-division No. 2 shall have the same aforesaid rights and privileges within their own Sub-division.

11. Any master of a vessel receiving a certificate under section 65 of the Pilotage Act shall pay five dollars yearly.

12. All coasting vessels plying to and from ports on the Basin of Minas within the district, or to and from the Province of New Brunswick, shall not be compelled to take a pilot or be subject to the aforesaid rules and regulations of pilotage.

13. Every licensed pilot at the time of receiving his license, shall give a bond to the commissioners for his compliance with the Harbour and Pilot Regulations, and for the faithful performance of his duty as a pilot during the ensuing year, himself in the sum of fifty dollars, and two securities, to the satisfaction of the commissioners, in twenty-five dollars each. Such bond to be renewed every year during the pilot's continuance in office.

14. Every pilot on receiving his license shall pay for the same the sum of ten dollars, and five dollars for each annual renewal thereof; and shall also pay one dollar for his bond, and one dollar for every renewal thereof,—such funds to be paid into the pilotage fund.

15. No pilot shall in any manner dispossess himself of his license or bond, or lend the same to any person whomsoever, under a penalty of forty dollars for each and every offence.

16. Every licensed pilot taking charge of any vessel, shall in all cases behave himself with civility, and be strictly sober while in the discharge of his duty, and shall use the utmost care and diligence for the safety of the vessel, and to prevent her doing damage to other vessels, under a penalty not exceeding forty dollars for every offence.

17. No pilot, master or person in the charge of any vessel shall so anchor such vessel as to prevent a free or uninterrupted passage for all other vessels as provided for in the Harbour Masters' Regulations, or a free and safe access to any wharf at which such vessels are accustomed to take berths, under a penalty not exceeding forty dollars.

18. Every licensed pilot on boarding any vessel shall enquire if any person affected with any infectious or contagious disease be on board, or if such vessel be from any port or place making her liable to quarantine laws, or be an emigrant vessel; in any one of such cases he shall cause the national flag to be hoisted at the main, and shall bring her to anchor at the usual place for riding quarantine, and shall not suffer any person to board or leave the vessel, until she be visited by the health officer, nor without the

permission of such officer, under a penalty not exceeding forty dollars for every offence.

19. Any pilot piloting a vessel inwards from sea, shall be entitled to pilot her to sea when she next leaves port, unless on complaint of the master, owner or agent of the said vessel, the Pilotage Authority shall direct otherwise.

20. Any pilot in waiting on an outward bound vessel, if detained from stress of weather or other causes, shall be entitled to receive two dollars *per diem*, in addition to outward pilotage.

21. Whenever any accident shall occur or be caused by any vessel whilst in the charge of a pilot, it shall be the duty of such pilot forthwith, after he shall have ceased to be in the actual charge of such vessel, to repair to the office of the secretary, and there personally report himself and the accident that has occurred; and in default of his so doing, such pilot shall, for each and every such default, forfeit and pay a penalty not exceeding forty dollars.

22. Any questions or disputes arising between pilots, masters of vessels and others, respecting pilotage, or for any extra remuneration in cases of any extraordinary nature, and all other questions and disputes between them respecting salvage or otherwise, shall be submitted to the commissioners to be adjusted and decided by them, and the decision of the commissioners, or a majority of them respecting all such questions and disputes, in which the subject matter does not exceed the sum of forty dollars, shall be final and binding on all parties; and every licensed pilot who shall act contrary to this regulation, or shall refuse or neglect to appear before the commissioners after twenty-four hours notice, when his attendance shall be required by them on any occasion, or who shall give any unnecessary trouble or annoyance or detention to masters or vessels, shall, for every such offence, be liable to a penalty not exceeding forty dollars, and, also, to suspension or dismissal at the discretion of the commissioners.

23. Ships of Her Majesty's navy and all ships of war, and all Government vessels belonging to Canada, when taking a pilot, to pay the same rate of pilotage as merchant vessels.

24. All pilotage dues shall be paid to the secretary of the board, who shall keep a book for the entry of all sums received and all sums paid out to the pilot, or on any other account.

25. Every licensed pilot who shall pilot any vessel inwards, shall, within one day after his arrival, report to the secretary the arrival of such vessel, and the amount of pilotage due thereon; and every licensed pilot shall likewise report all vessels piloted outwards by him, and shall pay over to the secretary the fees collected for such service.

26. Any pilot who shall demand or receive any higher or greater sum for pilotage of any vessel than is by law allowed therefor, shall incur a penalty not exceeding forty dollars.

27. The number of pilots for Hants County shall not exceed twelve, three of which will be at Maitland.

28. All boats to be licensed as pilot boats shall be surveyed, and, if found satisfactory to the Pilotage Authority, shall be licensed for a term not exceeding one year, on the payment of a license fee of five dollars.

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29. Each such pilot boat to have one or more suitable boats for the conveyance of pilots to and from vessels and for rendering assistance to vessels in distress; also, to have one or more life preservers for each pilot and apprentice belonging and attached to such Pilot boat.

30. All licensed pilot boats shall be approved and licensed by the commissioners, and shall have all the numbers, names and other characteristics required and specified by section 75 of the Pilotage Act.

31. Any licensed pilot not complying with the foregoing by-laws, or evading or attempting to evade, the sense, intent or meaning of any or either of them, shall be liable to a penalty not exceeding forty dollars, and in case of a continuing breach of the same, shall be liable to have his license withdrawn or suspended at the discretion of the Pilotage Authority.

32. These Rules and Regulations must not be construed to affect specially exempted vessels from payment of pilotage dues under the Pilotage Act of 1873, or Acts to amend the same, passed in 1875 and 1877.

Vide Canada Gazette, Vol. 12, p. 367.

AT a meeting of the Pilotage Authority for the Pilotage District of Caraquet, held at Caraquet, in the County of Gloucester, Province of New Brunswick, the 27th day of July, 1878, the following Rules and Regulations were agreed to, and the same were approved by Order in Council of the 30th September, 1878:—

1st. Six or more persons shall be appointed and licensed as pilots by the Pilotage Authority for the district. Such persons shall be of the age of not less than twenty-one years, of good moral character, and previous to receiving a license shall each undergo such examination under the direction of the Pilotage Authority as such authority shall deem necessary, but no license shall be granted to a licensed pilot of any other district.

2nd. Each and every pilot holding a license or branch granted by the sessions or municipality of the County of Gloucester to pilot vessels into any port or harbour within this district, shall, immediately after the passing of these regulations, produce and deliver up such license or branch to the Pilotage Authority.

3rd. Every pilot must, on receiving his license, prove to the satisfaction of the Pilotage Authority that he is provided with a suitable boat subject to their approval, to be used by him as a pilot boat: such boat shall have the following characteristics: on her stern her name, the name of her owner and the port or ports for which he is licensed, painted on a black ground in white letters one inch broad and three inches long, and on each bow the number of his license; when afloat during the day time a flag not less than five feet long and thirty inches wide, of two colours, the upper horizontal half white and the lower horizontal half red, and at night one white light at the mast head,—such flag and lights, as well as the letters and number on the boat, shall be kept clean and distinct, and shall be so arranged and placed as to be easily discerned at a reasonable distance.

4th. Each and every pilot licensed for the first time after the passing of these regulations shall pay to the Pilotage Authority the sum of two

dollars, and shall have his license annually renewed on payment of one dollar; but he shall be subject to be suspended or removed at any time by the Pilotage Authority, for neglect of duty, improper conduct, incapacity or breach of any of these regulations.

5th. It shall be lawful for every licensed pilot to demand and receive of and from the master, owner or agent of any ship or vessel, such fees as he shall earn and be entitled to under these regulations; except when any licensed pilot offers his service to a ship or vessel not exempt from the payment of pilotage fees, appearing off or within the limits of the pilotage district intending to come in or which shall come into any port in the district, and being refused, then the Pilotage Authority shall be entitled to demand of and collect from the master, owner or agent the same amount as if such pilot had been actually employed to pilot such ship or vessel into port; and so much of said amount, not less than half, as the Pilotage Authority shall declare just, shall be paid to the pilot having so offered his services.

6th. Any pilot piloting a vessel from sea shall be entitled to pilot her to sea when she next leaves port, unless on request of the master, owner or agent of such vessel, the Pilotage Authority directs otherwise.

7th. Each and every licensed pilot must, on the last Monday in every month, from April to December, in each and every year, make returns to the Pilotage Authority of the district of the name, tonnage, rig and nationality of every ship or vessel piloted by him from sea; when he boarded her and what extra services, if any, were rendered by him from the time he went on board such ship or vessel until she again proceeded to sea, and the amount of fees received by him; he shall immediately report to the Pilotage Authority any vessel or vessels spoken by him which have refused his services, and any accident that may have happened to any vessel under his charge, or any other matter of importance in connection with such vessel or vessels.

8th. A master or mate of any ship or vessel registered in Canada, may, on application to the Pilotage Authority, and on payment of ten dollars, upon examination and approval of said Pilotage Authority, receive a certificate, which may be annually renewed by such authority on further payment of ten dollars; and while such master or mate holds such certificate and is actually employed as master or mate of such ship or vessel, such ship or vessel shall not be compelled to employ a pilot or be liable to pay pilotage fees.

9th. Any dispute or difference arising between the master of any ship and any pilot or pilots relating to the payment of pilotage fees, or to the proper construction of these regulations, shall be referred to the Pilotage Authority for their arbitrament and decision.

10th. Any pilot belonging to another district in charge of any vessel intending to come into any port in this district shall immediately surrender his charge when spoken to within the limits of the district by any of its pilots.

11th. Any licensed pilot knowing that any of the buoys are out of place shall forthwith give information of the same to the Pilotage Commis-

sioners or any one of them, and such pilot neglecting to do so shall incur a penalty not exceeding forty dollars.

12th. Any person who shall be guilty of a breach of any of these regulations shall incur a penalty not exceeding forty dollars. And in case of a continuing breach he shall incur a further penalty not exceeding four dollars for every 24 hours during which such breach continues, at the discretion of the court or justice by whom the same is inflicted.

13. The rates of pilotage dues within the Pilotage District of Caraquet for all inward or outward bound vessels of not more than eighty tons, shall be as follows, viz:—

For vessels not more than 60 tons registered tonnage, when employing pilots, $6.00.

Over 60 tons, and not more than 80 tons, $9.00.

And for all vessels over eighty tons, inward, $1.20 per foot draught of water, and outward, $1.00 per foot.

For removing any vessel of not more than 150 tons from any mooring ground or ballast berth to any other mooring ground or ballast berth within any harbour in the district, the sum of $1.50, and for so removing any vessel over 150 tons, the sum of $2.00.

Vide Canada Gazette. Vol. 12, p. 400

IN COUNCIL, 25TH JANUARY, 1879.

IT is ordered that the tenth rule of the by-laws of the Pilotage Authority for the Pilotage District of Saint John, in the Province of New Brunswick, approved by Order in Council of the 4th November, 1874, be cancelled, and that the following rule be substituted therefor:—

10. The following vessels are to be exempted from compulsory pilotage; All vessels registered in the Dominion of Canada of 125 tons and under, and all vessels outward bound beyond the first district.

W. A. HIMSWORTH,
Clerk, Privy Council.

AT a meeting held at Crapaud, on the 23rd day of April, 1878, by the Commissioners of Pilots for the District of Crapaud, in the County of Queen's and Province of Prince Edward Island, the limits of which district commences at Brokleby's Head at Desable on the east side, to Birch Point, Tryon, on the west side of Crapaud Harbour, and all the navigable rivers emptying therein,—the following Rules and Regulations were passed; and the same were approved by Order in Council of the 28th January 1879:—

First—The Pilotage District for the Port of Crapaud shall consist of the following divisions:

First Division shall extend from Brokleby's Head, on the east side, to a line or range with the first or outside buoy, on the south side, to second buoy off Tryon Shoals.

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Second Division shall extend from the said second buoy to the usual anchorage ground in Crapaud Basin.

Third Division, from the anchorage ground aforesaid to Birch Point, on the west side, and the several wharves on the north side of said Crapaud Harbour.

Second—One or more persons shall be appointed and licensed as pilots by the Pilotage Authority of the district. Such persons shall be of the age of twenty-one years and upwards, of good moral character, possessing a thorough acquaintance with the duties required of them, and previous to receiving license shall be required to undergo such examination under direction of the Pilotage Authority as such authority, shall deem necessary, and shall pay a fee of ten dollars for license.

Third—Every licensed pilot shall have a suitable boat, approved by the Pilotage Authority of the district.

Fourth—Each licensed pilot shall be entitled to collect the amounts of Pilotage fees earned by himself individually.

Fifth—Any pilot piloting a vessel from sea shall be entitled to pilot her to sea when she next leaves port, unless (on request of master, owner or agent of said vessel) the Pilotage Authority directs otherwise.

Sixth—Any licensed pilot offering his services to any ship or vessel appearing off or within the pilotage district intending to come in, or which shall come into port, and being refused (no other licensed pilot being on board of said vessel) such pilot so refused shall be entitled to demand and collect the same rate of pilotage as if he had been actually employed to pilot such ship or vessel into port, provided such services are offered before such ship or vessel comes abreast of the second buoy.

Seventh—All licensed pilots must make due returns to the Pilotage Authority of the district of the name, tonnage, rig and nationality of every vessel piloted by him from sea when he boarded her, and what extra services were rendered by him, if any, and the amount of fees received by him; he shall report all vessels spoken by him which have refused to accept his services, and shall also report any casualty or accident that may have happened to any vessel under his charge; and said report shall be made monthly from the first day of April to the thirty-first day of December in each and every year.

Eighth—All pilots shall have their license annually renewed on payment of five dollars, subject to approval of Pilotage Authority.

Ninth—The pilot boarding a vessel who is first to gain the deck will have the right to all fees either for inward or outward bound services rendered by pilots.

Tenth—Any misunderstanding or difference arising between pilots or the masters of vessels and pilots, relating to these regulations and the right construction thereof, shall be referred to the arbitrament of the commissioners.

Eleventh—On proof to the satisfaction of the Pilotage Authority that any licensed pilot has been guilty of any improper conduct, drunkenness or wilful neglect of duty, or that he is incompetent by age, mental or bodily infirmities, said pilot shall be suspended or deprived of his license, at the discretion of the Pilotage Authority.

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Twelfth—Any pilot not complying with these Regulations or attempting to evade the sense, intent or meaning thereof, or any of them, shall be liable to suspension or dismissal, at the discretion of the Pilotage Authority.

Thirteenth—A master of any vessel or ship registered in Canada may, on application to the Pilotage Authority and the payment of a fee of fifteen dollars, upon examination and approval of said Pilotage Authority, receive a certificate, which certificate shall be annually renewed by said authority on payment of a further fee of twelve dollars; and while said master is actually employed as master of said vessel the said vessel shall not be compelled to employ a licensed pilot, or be liable to pay pilotage fees.

Fourteenth—The rates for outward bound vessels to be the same as inward bound, and vessels outward are not compelled to take a pilot beyond the limits of the Second Division.

Fifteenth—The rates of pilotage dues at the Port of Crapaud shall be as follows :—

—	First Division.	Second Division.	Third Division.
	$ cts	$ cts.	$ cts.
Vessels of 80 tons and under 125 tons........................	1 25	2 00	3 25
" 125 " " 250 "	1 75	2 25	3 50
" 250 " " 350 "	2 00	2 50	3 75
" 350 " " 450 "	2 25	3 25	4 25

And all vessels exceeding 450 tons a half cent per ton each way for the excess of tonnage above 450, in addition to the above rate for 450 tons.

Sixteenth—Where vessels have to be moved about the wharves and pilots retained by captains of vessels for such services, said pilot will not be allowed to charge more than one dollar and fifty cents for each and every tide, to be left to the captain's option to employ a pilot for such services

Vide Canada Gazette, Vol. 12, p. 878.

BY a Proclamation, bearing date the 4th day of February, 1879, the Act intituled "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick," and the Acts amending the same, were declared to apply to the Port of West Isles, in the County of Charlotte, in the Province of New Brunswick.

Vide Canada Gazette, Vol. 12, p. 939.

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By a Proclamation, bearing date the 3rd day of March, 1879, the Act intituled "An Act to provide for the appointment of Harbour Masters for certain ports in the Provinces of Nova Scotia and New Brunswick," and the Acts amending the same, was declared to apply to the Port of Cow Bay, Cape Breton, in the Province of Nova Scotia.

Vide Canada Gazette, Vol., 12, p. 1054.

By a Proclamation, bearing date the 3rd day of March, 1879, the Act intituled, "An Act to provide for the appointment of Harbour Masters for certain ports in the Provinces of Nova Scotia and New Brunswick," and the Acts amending the same, are declared to apply to thePort of Gaberouse, Cape Breton, in the Province of Nova Scotia.

Vide Canada Gazette, Vol. 12, p. 1055.

By an Order in Council, of the 13th March, 1879, His Excellency, by and with the Advice of the Queen's Privy Council for Canada, ordered that a District be established for the purposes of the "Act respecting Wreck and Salvage;" to include that part of the north shore coast of the River St. Lawrence, comprised in the County of Saguenay, in the Province of Quebec.

Vide Canada Gazette, Vol. 12, p. 1122.

BY-LAWS, RULES AND REGULATIONS

For the government of Pilots for Bathurst District, in the Province of New Brunswick.

Made by the Pilotage Authority of the said District of Bathurst, under the Act 36 Vict., Chap. 54, intituled "An Act respecting Pilotage," adopted 6th February, 1879, and approved by Order in Council, 17th March, 1879.

THAT all Rules made by the Justices of the County of Gloucester, under the Act of the General Assembly, 13 Vict., Chap. 30, and amending Acts, be and the same are hereby repealed, and in lieu thereof :—

1. Every person now holding a branch as a pilot for the Port or Harbour of Bathurst, shall forthwith surrender the same to the Pilotage Authority of the said port or harbour, under the said Act, and shall, if legally entitled thereto, receive a license for the Bathurst District on payment of a license fee of two dollars and fifty cents.

2. Every person not already licensed, who applied for a branch for the pilotage district aforesaid, must make application in writing to the Secretary, at his office, on the printed form, be a resident of the County of Gloucester, of not less than 21 years of age, and shall have continuously served as an apprentice in a licensed pilot boat for a term not less than two years; shall show a certificate of good character from the said pilot, and

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shall be examined by examiners appointed by the aforesaid Pilotage Authority, and at that examination he shall show such qualifications as will warrant them in giving him a certificate of his competency to perform all the duties appertaining to a pilot of the said district; and a license shall forthwith issue to such person, on payment of the expenses of such examination, and a fee of two dollars and fifty cents.

3. The rates of pilotage for the Pilotage District of Bathurst shall be as follows: –

It shall be lawful for any branch pilot to demand and receive from the master or owner of any ship or vessel, or from any other person who shall employ him for piloting such ship or vessel in or out of the Port or Harbour of Bathurst, the rates or sums following, viz.:—One dollar and twenty cents per foot on all inward bound vessels above one hundred tons register when brought to anchor below the "forks" of the channel, and one dollar and forty cents when taken above the said "forks"; eighty cents per foot on all outward bound vessels above one hundred tons register when taken from below the "forks" of the channel, and one dollar per foot when taken from above the said "forks"; inward or outward bound vessels six dollars for all not exceeding one hundred tons register or upwards of seventy-five tons; four dollars for all vessels not exceeding seventy-five tons register or upwards of fifty tons; three dollars for all vessels not exceeding fifty tons register or upwards of thirty tons, and two dollars for all vessels of thirty tons register or under.

4. If any such ship or vessel, appearing off or within the pilotage district, or intending to come, or which shall come into the Harbour or Port of Bathurst, shall have refused the services of a licensed pilot (no other licensed pilot being on board, or having previously offered his services to such vessel), such pilot so refused shall be entitled to demand and receive the rate of pilotage as if he had actually piloted such vessel into the said port or harbour.

5. If any such pilot shall offer his services to any ship or vessel outward bound, after such vessel shall be cleared at the Custom House, and before being under weigh (no other Pilot being on board or employed to take out such vessel) the master or owner shall pay over such pilotage dues to such Pilotage Authority—who may, at their discretion, pay over not more than one-half of such dues to the said pilot so offering; provided, always, that in no case shall the pilot who brought such vessel into such port or harbour have any prior rights over any other pilot to take her out, by reason of his having brought her into the said port or harbour, or from having arranged with the master of said vessel to pilot her outwards, unless such arrangement takes place after the vessel is properly secured and moored in the said port, to the satisfaction of the master of such vessel.

6. If any Branch Pilot shall be employed in removing any vessel within the Port or Harbour of Bathurst, from one mooring ground or ballast berth to another mooring ground or ballast berth, and shall see such vessel properly moored, he shall be entitled to demand and receive from the master of such vessel for every such service the sum of one dollar and fifty cents.

7. Each and every person who shall be granted a branch license for the Port or Harbour of Bathurst, shall be the owner or part owner of a good and sufficient boat of not less than 28 feet keel, which boat shall be submitted yearly to the inspection and approval of the Pilotage Authority, from whom a license shall issue on the payment of a license fee of two dollars,—which license shall be continued from year to year on payment of a renewal fee of one dollar.

8. All licensed pilot boats shall have the numbers of their respective licenses conspicuously painted on the sail, such numbers to be designated by the Pilotage Authority.

9. Any licensed pilot boat that may at any time, on examination by the Pilotage Authority, be found unfit for the service, shall have her license suspended until she is fitted out to their satisfaction; and such license shall be forthwith lodged with the Secretary of the Pilotage Authority.

10. On proof being given, to the satisfaction of the Pilotage Authority that any licensed pilot has been guilty of any improper conduct, drunkenness, or wilful neglect of duty, or that he is incapacited by age or mental or bodily infirmity, said pilot shall be suspended or deprived of his license at the discretion of the Pilotage Authority.

11. When more than one vessel is in sight, a pilot shall board the nearest under a penalty of eight dollars.

12. Any branch pilot who, from negligence or mismanagement, shall ground a vessel in his charge shall pay a penalty of twelve dollars.

13. Every pilot shall report to the Secretary of the Pilotage Authority, on the forms furnished him, the name, tonnage, rig, nationality, where from, draught of water, etc., of every vessel piloted by him from sea; and also, when boarded, and what extra services, if any, were rendered—to which report he shall, if possible, obtain the master's signature. He shall also report all vessels spoken by him which refused his services, as well as any casualty or accident that may have happened to any vessel under his charge, and all other matters of importance coming under his observation. He shall also report when any of the buoys are misplaced, or any of the lighthouses are not lighted at the proper time and kept so lighted, all of which reports shall be made as above directed, immediately after his arrival ashore, or as soon as office hours will permit, under a penalty of six dollars.

14. Any pilot taking charge of an inward bound vessel shall exhibit his license and a copy of these Regulations to the master for perusal.

15. The Pilotage District of Bathurst shall extend from the county line, near the Belledune River, to an imaginary line drawn from the Roman Catholic Church at Grand Anse.

16. The so-called mooring ground near the outer bar shall be deemed and taken to be the entrance of the Port or Harbour of Bathurst.

17. Any licensed pilot not complying with these Rules and Regulations, or evading the sense, intent or meaning thereof, shall be liable to a penalty not exceeding twenty dollars for the breach of such Rule or Regulation, and shall also be liable to have his license suspended or cancelled, at the discretion of the Pilotage Authority.

Vide Canada Gazette, Vol. 12, p. 1136.

Marine.

By Order in Council of the 17th March, 1879, the Order in Council of the 5th day of May, 1879, establishing a Pilotage District for the County of Hants was cancelled, so far as it relates to making the payment of pilotage dues compulsory, and it was further ordered that such payments shall be non-compulsory within the limits of the district.
Vide Canada Gazette, Vol. 12, p. 1138.

By a Proclamation, bearing date the 17th day of March, 1879, "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick," and the Acts amending the same, were declared to apply to the Port of Louisburg, in the County of Cape Breton, in the Province of Nova Scotia.
Vide Canada Gazette, Vol. 12, p. 1166

The following resolution, adopted on the 31st day of March, 1879, by the Pilotage Authority for the Pilotage District of Richibucto (instead of Rule 18 of the Rules and Regulations for the government of pilots in said district approved by the Administrator of the Government in Council on the 9th July, 1875), was approved by His Excellency the Governor General in Council on the 5th April, 1879, that is to say:—

Rule 18th. That in case of the employment of a pilot by vessels not exceeding eighty tons register, the rates of pilotage shall be as follows:—

Inward or outward-bound vessels not exceeding eighty tons register and upwards of fifty tons, five dollars.

Below fifty tons register, three dollars.
Vide Canada Gazette, Vol. 12, p. 1297.

By an Order in Council of the 15th day of April, 1879, the Order in Council of the 5th May, 1875, forming a Pilotage District for the Province of British Columbia, was so far rescinded as to exclude from the limits of such district:—

(1.) The Port of Nanaimo and other ports in the Island of Vancouver, with the exception of Victoria and Esquimalt; and—

(2.) All the ports, harbours and rivers within the limits of the Electoral Districts of Yale and New Westminster.
Vide Canada Gazette, Vol. 12, p. 1296.

By Order in Council of the 15th April, 1879, a separate Pilotage District was formed for the Electoral Districts of Yale and New Westminster, in the Province of British Columbia, to embrace all the ports, harbours and rivers within the limits of such Electoral Districts, and the payment of pilotage dues was made compulsory within the limits of the said district—

the same to extend as well to vessels coming to any of the said ports from the Pacific Ocean as to vessels leaving any such ports for the ocean.

Vide Canada Gazette, Vol. 12, p. 1296.

By Order in Council of the 15th day of April, 1879, a separate Pilotage District was formed for the Port of Nanaimo and other ports in the Island of Vancouver, in British Columbia, excepting Victoria and Esquimalt,—the payment of pilotage dues to be non-compulsory within the limits of the said district.

Vide Canada Gazette, Vol. 12, p. 1297.

By Order in Council of the 15th day of April, 1879, a Pilotage District was formed for the Ports of Tatamagouche and Brulé, in the County of Colchester, in the Province of Nova Scotia, such district to extend along a line running from Amet Island in a south-easterly direction until it strikes Rocky Point, in Brulé, to Pictou County line, and from Amet Island until it strikes Mulligash Point, in Cumberland County, in a southwardly direction, and to include Brulé Harbour and Tatamagouche Harbour,—the payment of pilotage dues to be compulsory within the limits of the said disirict.

Vide Canada Gazette, Vol. 12, p. 1297.

By a Proclamation, bearing date the 22nd day of April, 1879, the Act intituled "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick" and the Acts amending the same, were declared to apply to the Port of Arichat, including the Harbour of West Arichat, in the County of Richmond, in the Province of Nova Scotia.

Vide Canada Gazette, Vol. 12, p. 1358.

RULES AND REGULATIONS

For the government of the Port of Arichat, including the Harbour of West Arichat, in the County of Richmond, in the Province of Nova Scotia, and of the office of Harbour Master of the said Port.

Approved by the Governor General in Council, 16th May, 1879.

1. It shall be the duty of the Harbour Master of the Port of Arichat including the Harbour of West Arichat, in person, or by deputy duly authorized, at such times, and on such occasions as he shall judge it necessary, to go on board of every ship or vessel of the burthen of twenty tons (registered tonnage) and upwards, which shall arrive within the said Port, including the harbour aforesaid, to see that she is moored only in such

manner or position as shall be assigned to her by the following Regulations. And it shall be lawful for such Harbour Master to ask, demand, and receive as a compensation for his services (vessels belonging to or employed by Her Majesty and the Government of the Dominion of Canada, and ships engaged in trading between ports and places in the Dominion, or in the fishing trade, excepted) according to the following scale, and under the instructions mentioned in the Act 36 Vict., Chap. 9, intituled "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick," and the Act 38 Vict., Chap. 30, intituled "An Act to amend the Acts 36 Vict., Chap. 9, and 37 Vict., Chap. 34. respecting the appointment of Harbour Masters":—

SCALE OF FEES.

For every ship of fifty tons register or under, fifty cents;

For every ship over fifty tons and not over one hundred tons register, one dollar;

For every ship over one hundred tons and not over two hundred tons register, one dollar and fifty cents;

For every ship over two hundred tons and not over three hundred tons register, two dollars;

For every ship over three hundred tons and not over four hundred tons register, two dollars and fifty cents;

For every ship over four hundred tons and not over five hundred tons register, three dollars;

For every ship over five hundred tons and not over seven hundred tons four dollars;

For every ship over seven hundred tons register, five dollars.

2. In case of any dispute arising between masters, owners or other persons engaged in hauling ships or vessels in or out of any of the docks or wharves, it shall be the duty of the Harbour Master, if called upon, to give such directions as he may think fit in respect to the same; and all masters, pilots, or other persons having the charge or command of any ships or vessels shall comply with the directions of the Harbour Master or his deputy in these respects, under the penalty of twenty dollars for each and every neglect or refusal so to do.

3. If any ship or vessel arriving, anchoring, or being moored or fastened to any wharf or vessel in the said port and harbour shall be so moored or placed as to be unsafe or dangerous to any other ship or vessel previously lying at anchor in the said port and harbour, or moored or fastened, as aforesaid, the Harbour Master or his deputy is authorized and required to forthwith order and direct the situation of such ship or vessel so arriving and anchored, moored or fastened, as aforesaid, to be altered in such a manner as to prevent such insecurity and danger; and the master, pilot or other person having charge or command of such ship or vessel shall comply with the orders and directions of the Harbour Master or his deputy in this respect, under the penalty of twenty dollars for each and every offence.

4. Any person or persons who may moor or fasten to, or in any manner injure, alter or change any of the public buoys, shall, on conviction, pay a

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penalty of twenty dollars, besides being held liable to pay any damage sustained.

5. Whenever it shall happen that any ship or vessel is short of hands, so that she cannot be moved when ordered, it shall and may be lawful for the Harbour Master to employ a sufficient number of hands to effect such removal, and to remove or assist in removing such vessel as required, or as may be necessary—and that at the expense of such vessel.

6 The Harbour Master shall have power to order the removal of any scow, boat or vessel, loaded or unloaded, or anything calculated to interfere with the moving or mooring of vessels from any part of the said port and harbour to any other part thereof, and the owner of such scow, boat, &c., or person in charge thereof, failing to make such removal in one hour after being notified so to do, shall forfeit and pay a sum not exceeding $10, nor less than $5, and after one hour shall have elapsed the Harbour Master shall have power to make the removal and charge the person notified for so doing.

7. Whenever the Harbour Master shall find ships or vessels at the wharves with main jib or spanker booms rigged out so as to incommode other vessels, it shall be the duty of the Harbour Master to direct such to be rigged in, and in the event of non-compliance, all accidents to the same shall be at the risk of the persons so offending.

8. No vessel shall be left without some person to take care of her, by night and by day, when anchored in the stream or in the said port and harbour.

9. All vessels lying at anchor in the said port and harbour shall keep a clear and bright light burning at least six feet from the uppermost deck, from sunset until sunrise.

10 All ships or vessels loading or discharging in the stream, coals, ballast and such like materials, shall have a sufficient piece of canvas or tarpaulin so placed as to prevent any portion thereof from falling into the said port and harbour, under the penalty of $20 for each and every offence, to be paid by the owner, master or person in charge of such ship or vessel.

11. No ballast, stone, gravel, earth or rubbish of any kind, shall be unladen, cast or emptied out of, or thrown overboard, from any ship or vessel whatever in the said port and harbour, or at the entrance thereof (except in places set apart for that purpose by the Harbour Master and under his direction), under the penalty of fifty dollars for each and every offence, to be paid by the owner, master or other person having charge of any such ship or vessel.

12. In places set apart by the Harbour Master for the deposit of ballast, etc., it is hereby required that no ballast, stone, gravel, earth or rubbish of any kind shall be unladen, discharged, deposited thrown or laid before sunrise or after sunset, under a penalty of forty dollars for each and every offence.

13 No ballast, stone, gravel, earth or rubbish of any kind shall be unladen, discharged, deposited, thrown or laid, either from any vessel, boat scow, or other such craft, or in any other manner, or by any person, from any part of the beach or shore into any part of the said port and harbour, or upon the beach or shore thereof, either below low water mark, or between high and low water mark, under the penalty of forty dollars for

each and every offence, to be paid by the owner or owners, master or person having charge of any vessel, boat, scow, or other craft from which such matter as aforesaid shall have been discharged, or by any other person or persons violating this law.

14. Any person or persons who shall or may hinder, oppose, molest or obstruct the Harbour Master, his deputy, or any of his assistants, in the discharge of his or their duty, shall, on conviction, pay a penalty of forty dollars for each and every offence.

15. The penalty for violation of, or not conforming to the provisions of the law, and for disobeying the lawful orders or directions of the Harbour Master or his deputy in respect to any provision for which no penalty is hereinbefore prescribed, shall be twenty dollars, to be imposed upon the owner or person in charge of the ship or vessel not conforming to the particular requirements.

Vide Canada Gazette. Vol. 12, p. 1499.

RULES AND REGULATIONS.

For the government of Pilots in the Pilotage District of Shediac, in the Province of New Brunswick,

Made by the Pilotage Authority for said District under the Act 36 Victoria, Chapter 54, and approved by Order in Council of the 16th May, 1879:—

1. All Rules and Regulations relating to Pilots and Pilotage heretofore made by the Westmoreland County Sessions are hereby repealed.

2. Every person now acting or holding a branch as a pilot for the Port or Harbour of Shediac shall forthwith surrender the same to the Pilotage Authority of this District, under the Act aforesaid, and shall, if legally entitled thereto, receive a license from the said Pilotage Authority on the payment of a fee of two dollars for each license.

3. The Pilotage Authority may grant licenses to as many and such other persons as they may consider necessary; but no license shall be granted to any person unless he resides within the boundaries of the pilotage district, is not less than twenty-one years of age, is of good character, and has made application in writing to the secretary at the office of the Pilotage Authority, in form as prescribed,—when, if it is considered desirable to increase the number of pilots, and the application is approved, then on the payment of a fee of four dollars, to pay the expenses of the examination, the applicant shall be examined by the Pilotage Authority of said district, or by examiners appointed by them, and if on such examination he shall answer such questions and show such qualifications as will warrant them in giving him a certificate of competency to perform all the duties of a pilot in said district, a license shall forthwith issue to him.

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4. Each and every licensed pilot shall be the owner or part owner of a good and sufficient boat duly licensed, and shall keep the same in good seaworthy order and repair.

5. All boats to be licensed as pilot-boats shall be of not less than fourteen feet keel and shall be surveyed, and if satisfactory and recommended, shall, on the payment of a license fee of two dollars, be licensed for a term not exceeding one year. And all licensed pilot-boats shall, at or immediately before the expiration of the license in each year, be again surveyed, and if found satisfactory to the Pilotage Authority, shall, on the payment of a license fee of one dollar, have their license renewed for a term not exceeding one year.

6. All licensed pilot-boats shall have the characteristics as prescribed in sections 75 and 76 of the Act 36 Victoria, chapter 54, entitled "An Act respecting Pilotage," under the penalty of forfeiture of license for said boat.

7. Any licensed pilot-boat that may, at any time, on examination by the Pilotage Authority, be found in any way unfit for the service for which she is licensed, shall have her license suspended until she is made and fitted out to the satisfaction of the Pilotage Authority; and the license so suspended shall, during such suspension, be lodged with the Secretary of the Pilotage Authority.

8. On proof to the satisfaction of the Pilotage Authority that any pilot licensed by them has been guilty of any improper conduct, drunkenness or wilful neglect of duty, or that he is incapacitated by age or mental or bodily infirmity, said pilot shall be suspended or deprived of his license, at the discretion of the Pilotage Authority.

9. It shall be the duty of any licensed pilot, immediately on sighting any ship or vessel (except exempted ships without signals for pilots) off the Harbour of Shediac, or intending to enter said port, to board her without delay, and take charge of and conduct her to the place selected by the Harbour Master or other proper officer for the deposit of ballast, or such place as the Harbour Master or other proper officer shall direct. And every licensed pilot who shall go on board and take charge of any inward bound ship or vessel shall remain on board thereof until such ship or vessel is well and sufficiently moored in a safe place or berth within said port or harbour as above; and, until then, shall not without the consent of the master, in writing, leave said vessel, under the penalty of twenty dollars.

10. Any pilot taking charge of any inward bound vessel shall exhibit his license, and also a copy of these regulations, to the master of such vessel, for his perusal, under the penalty of eight dollars for every neglect of duty in this respect.

11. The rate of pilotage for the Pilotage District of the Port or Harbour of Shediac shall be one dollar and twenty-five cents ($1.25) per foot draught of water for vessels inwards, and ninety cents (90 cts.) per foot draught of water for vessels outward bound, and for the removal of any ship or vessel and seeing such ship or vessel properly secured and moored, the sum of two dollars ($2) for each such removal.

12. Masters of ships or vessels outward bound are at liberty to choose their own pilot; but the master of any vessel, after having agreed with a

Marine.

pilot to take out his vessel, shall be obliged to take him or pay him the pilotage to which he would be entitled for taking her out--provided that said pilot offers his services when the said vessel is ready to go out and before being under way--unless said master notifies such pilot at least two days before sailing that his services will not be required.

13. If any licensed pilot shall offer his services to any ship or vessel appearing off or within the pilotage district, and which shall come into the Port or Harbour of Shediac, and be refused (no other licensed pilot being on board or having previously offered his services to such ship or vessel) such pilot so refused shall be entitled to demand and receive one-half the rate of pilotage he would have been entitled to if he had been actually employed to pilot such vessel into the harbour.

14. It shall be the duty of pilots to caution masters of all vessels inward bound against discharging any ballast outside the harbour in less than ten fathoms of water, or elsewhere, contrary to any regulations respecting the same, and in case of their so discharging any ballast to report the same to the Harbour Master; and any pilot neglecting to do so shall be liable to have his license suspended not exceeding nine months.

15. Every pilot shall report to the Secretary of the Pilotage Authority, on the forms furnished him, the name, tonnage, rig, nationality, where from, draught of water, &c., &c., of every vessel piloted by him from sea, when boarded and what extra services, if any, were rendered,—to which report he shall, if possible, obtain the master's signature. He shall also report all vessels spoken by him which have refused to accept his services, and shall also report any casualty or accident that may have happened to any vessel under his charge, and any other matter of importance connected with vessels coming under his observation; and shall also report when any of the buoys are not in their places, or any lighthouses are not lighted at their proper time, and kept lighted,—which report shall be made immediately after his arrival in port, or as soon thereafter as office hours will permit.

16. Any licensed pilot not complying with these Rules and Regulations or evading the sense, intent or meaning of any or either of them, shall be liable to a penalty not exceeding forty dollars for the breach of such rule or regulation, excepting when a penalty has been already prescribed,—with, in case of a continuing breach, a further penalty not exceeding four dollars for every twenty-four hours during which said breach continues, and shall be liable to have his license withdrawn or suspended, at the discretion of the Pilotage Authority.

Vide Canada Gazette, Vol. 12, p. 1500.

By an Order in Council of the 16th day of May, 1879, a Pilotage District was formed for the Port of Antigonish, in the County of Antigonish, in the Province of Nova Scotia,—such district to extend to and comprise all the waters of Antigonish Bay, between the entrance of Antigonish Harbour and an imaginary straight line drawn from Cape Jack to Cape George Lighthouse, together with all the waters of Antigonish Harbour.

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And the payment of pilotage dues was made compulsory within the limits of the said district.

Vide Canada Gazette, Vol. 12, p. 1501.

By a Proclamation bearing date the sixteenth day of May, 1879, the "Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island," and the Acts amending the same, was declared to apply to the Port of Murray River, in County of King's, in the Province of Prince Edward Island.

Vide Canada Gazette, Vol. 12, p. 1532.

BY-LAWS, RULES AND REGULATIONS

For the government of Pilots for the Pilotage District of Pugwash, in the County of Cumberland in the Province of Nova Scotia.

Made by the Pilotage Authority under the Act 36 Vict., Chap. 54, and approved by Order in Council of the 30th day of May, 1879.

All Rules and Regulations heretofore made by any Pilotage Authority for said Pilotage District of Pugwash are hereby repealed.

1. No person shall be licensed as a pilot under twenty-one years of age, nor unless he shall reside within the said pilotage district and shall, on examination, be found in every respect well qualified to discharge all the duties of a pilot.

2. Every licensed pilot shall, at the time of receiving his license, pay the fee of five dollars ($5.00) for the same, and shall give a bond to the Pilotage Authority, if required, for his compliance with the Harbour and Pilot Regulations and faithful performance of his duty as a pilot,—himself in the sum of sixty dollars ($60.00), and two sureties in the sum of thirty dollars ($30.00) each.

3. Every master or mate shall pay for his license the yearly sum of ten dollars on receipt of his certificate or renewal thereof.

4. Any pilot piloting a vessel from sea shall be entitled to pilot her to sea when she next leaves port, unless, on complaint of the master, owner or agent of said vessel, the Pilotage Authority direct otherwise.

5. On proof on oath to the satisfaction of the Pilotage Authority that any pilot licensed by them has been guilty of any improper conduct, drunkenness or wilful neglect of duty, or shall engage as stevedore of any vessel, said pilot shall be suspended or deprived of his license, at the discretion of the Pilotage Authority.

6. Every licensed pilot shall report to the Secretary of the Pilotage Authority all vessels spoken by him which have refused to accept his services, and shall also report any casualty or accident that may have happened to any vessel under his charge or any other matter of importance

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connected with vessels, coming under his observation; and shall also report when any of the buoys are not in their places or any of the lighthouses not lighted at the proper time—which report shall be made, as above, immediately after his arrival, or as soon as office hours will permit.

7. Every licensed pilot before boarding any vessel shall inquire if any infectious or contagious disease be on board, or if she be from any port or place making her liable to quarantine laws or be an emigrant vessel: in either of such cases he shall not go on board, but his boat shall be towed astern and he shall cause the national flag to be hoisted at the main and shall bring her to anchor at the usual place appointed for riding quarantine, and shall not suffer any person to board or leave the vessel until she be visited by the health officer, nor then, without his permission, under a penalty not exceeding thirty dollars for every offence.

8. Any licensed pilot offering his services to any inward bound vessel liable to pay pilotage, on being refused employment shall be entitled to demand and receive legal pilotage, provided that no other licensed pilot shall have previously offered his services and demanded payment therefor.

9. Any questions or disputes arising between pilots, masters of vessels and others, respecting pilotage or for any extra remuneration, and all other questions and disputes between them, shall be submitted to the Pilotage Authority to be adjusted and decided by them; and the judgments of the commissioners or a majority of them respecting all such questions and disputes, in which the subject matter does not exceed the sum of forty dollars ($40.00), shall be final and binding on all parties; and every licensed pilot who shall act contrary to this regulation, or shall refuse or neglect to appear before the commissioners after twenty-four hours' notice, when his attendance shall be required by them on any occasion, or shall give any unnecessary trouble, annoyance or detention to the masters of vessels, shall, for every offence, be liable to a penalty not exceeding twenty dollars ($20.00), and also to suspension or dismissal, at the discretion of the commissioners.

10. The rate of pilotage dues at the Ports of Pugwash, Port Philip or other loading places within the pilotage limits of the said district of Pugwash, shall be as follows:—

				Inwards.	Outwards.
Vessels of 80 and under		140 tons	....	$ 6 00	$ 5 00
"	140 "	230 "	....	8 00	7 00
"	230 "	300 "	....	10 00	9 00
"	300 "	400 "	....	14 00	12 00
"	400 "	500 "	....	16 00	14 00
"	500 "	600 "	....	17 00	15 00
"	600 "	700 "	....	18 00	16 00
"	700 "	800 "	....	19 00	17 00
"	800 "	900 "	....	20 00	18 00
"	900 tons and upwards		....	21 00	19 00

On all vessels under 80 tons accepting pilots, 5c. per ton inwards and 4c. per ton outwards.

All steamers employing licensed pilots to be rated at net tonnage.

Vessels bound to a loading berth off Shiminicas or any other loading place

other than Pugwash or Port Philip, within the pilotage limits, to pay two thirds of the above inwards rates if accepting a pilot, or one third inwards rates if refusing a pilot,—such vessels not being obliged to pay any outward pilotage. Any vessel in charge of a pilot detained outside for the purpose of discharging ballast to allow the pilot one dollar and fifty cents ($1.50) per day for such detention.

11. All vessels requiring the services of pilots in going through the draw-bridges of Pugwash or Port Philip Harbours, and going one and a half miles up either river beyond said draw-bridges, shall pay, in addition, 2½ cents per ton each way.

12. The pilot limits for the district of Pugwash shall extend from Cape Cliff on the east, thence running westerly until it strikes the Province division line in the waters between Nova Scotia and New Brunswick, to embrace all the navigable waters, harbours, bays, rivers and loading places within the said district.

Vide Canada Gazette, Vol. 12, p. 1579.

By Order in Council of the 11th day of June, 1879, a Pilotage District was formed for the Port of Wallace, in the County of Cumberland, in the Province of Nova Scotia, such District to extend westerly by the eastern limits of the Pugwash District, and easterly by a line drawn from Malagash Point to Amet Island, and including all navigable waters within such limits.

And the payment of pilotage dues was declared non-compulsory within the limits of the said district.

Vide Canada Gazette, Vol. 12, p. 1615.

By Order in Council of the 11th day of June, 1879, so much of the Order of Council of the 3rd April, 1875, as defined the limits of the Pilotage District of the County of Richmond, in the Province of Nova Scotia, was rescinded, and it was ordered that the said District be held to extend from Point Tupper, in the Strait of Canso, to Cape Canso, and from Cape Canso to Fourchu, and to embrace all the rivers, navigable waters, harbours, bays and lakes in the said District.

Vide Canada Gazette, Vol. 12, p. 1616.

BY-LAWS, RULES AND REGULATIONS

For the Pilotage District of the County of Richmond, in the Province of Nova Scotia,

Made by the Pilotage Authority of the County of Richmond under the Act 36 Vict., Chap. 54, and approved by Order in Council of the 11th day of June, 1879.

1. No person shall be licensed as a pilot under twenty-one years of age, nor unless he shall reside within the said pilotage district, and shall upon

examination be found, in every respect, well qualified to discharge all the duties of a pilot.

2. Every licensed pilot at the time of receiving his license shall pay the fee of ten dollars for the same, and shall give a bond to the Pilotage Authority for the compliance with the Pilot and Harbour Regulations and the faithful performance of his duty as a pilot, himself in the sum of sixty dollars and two sureties in the sum of thirty dollars each,—such bond, if the Pilotage Authority require it, to be renewed every year during the pilot's continuance in office, and shall pay one dollar for his bond, and five dollars for every renewal thereof.

3 Licensed pilots to be entitled to and receive the amount of pilotage dues, &c., earned by each individually; and any pilot piloting a vessel from sea shall be entitled to pilot her to sea when she next leaves port, unless, on complaint of the master, owner or agent of the said vessel, the Pilotage Authority direct otherwise.

4. On proof on oath to the satisfaction of the Pilotage Authority that any pilot licensed by them has been guilty of improper conduct, drunkenness or neglect of duty, or that he is incapacitated by age or mental or bodily infirmity, said pilot shall be suspended or deprived of his license.

5. Every licensed pilot shall report to the Secretary of the Pilotage Authority all vessels spoken by him which have refused to accept his services, and shall also report any casualty or accident that may have happened to any vessel under his charge, or any other matter of importance connected with vessels coming under his observation; and shall also report when any of the buoys are not in their places or any lighthouses not lighted at the proper time,—which report shall be made, as above, immediately after his arrival, or as soon as office hours will permit.

6. Every licensed pilot before boarding any vessel shall inquire if any infectious or contagious disease be on board, or if she be from any port or place making her liable to quarantine laws, or be an emigrant vessel: in either of such cases he shall not go on board, but his boat shall be towed astern and he shall cause the national flag to be hoisted at the main, and shall bring her to anchor at the usual place appointed for riding quarantine, and shall not suffer any person to board or leave the vessel until she be visited by the health officer, nor then, without his permission, under a penalty not exceeding twenty dollars.

7. Any licensed pilot offering his services to any inward bound vessel liable to pay pilotage, on being refused employment shall be entitled to demand and receive legal pilotage, provided that no other licensed pilot shall have so offered his services and demanded payment therefor.

8. Any questions or disputes arising between pilots, masters of vessels and others, respecting pilotage or for any extra remuneration, and all other questions and disputes between them, shall be submitted to the Pilotage Authority, to be adjusted and decided by them, and the judgment of the commissioners or a majority of them respecting all such questions and disputes, in which the subject matter does not exceed the sum of forty dollars shall be final and binding on all parties; and every licensed pilot who shall act contrary to this regulation, or refuse or neglect to appear before the commissioners after twenty-four hours notice, when his attendance shall be

required by them on any occasion, or shall give any unnecessary trouble, annoyance or detention to masters of vessels, shall for every offence be liable to a penalty not exceeding ten dollars, and also to suspension and dismissal, at the discretion of the commissioners.

9. Any licensed pilot offering his services for and accepting a less fee than that allowed by law shall be liable to a penalty not exceeding twenty dollars, and also suspension and dismissal, at the discretion of the commissioners.

10. The following vessels, when not exceeding two hundred and fifty tons register tonnage, are and shall be considered exempt from compulsory pilotage.

1st. All vessels belonging to the County of Richmond.

2nd. All fishing vessels when they shall actually be engaged in the fisheries.

11. The following shall be the rates of pilotage for the Port of Arichat.

Inwards.	$ cts.
Vessels of 80 tons and under 100 tons	5 50
do 100 do 150 do	6 50
do 150 do 200 do	7 50
do 200 do 250 do	9 00
do 250 do 300 do	10 00
do 300 do 350 do	11 00
do 350 do 400 do	12 00
And for every additional fifty tons or fraction thereof	0 75

Outward—One-half of the above rates.

12. All pilotage dues received by the commissioners shall be paid to the chairman of their board, who shall pay the same over to the pilot earning such dues, and he shall keep a book in which shall be entered all sums received and paid.

13. Vessels making the Harbour of Arichat shall be free from compulsory pilotage when inside an imaginary line drawn from the Lighthouse at Point Marache to the beacon on Jerseyman's Island, at the southern entrance, and also from an imaginary line drawn from Peter Post's house, on Jerseyman's Island, to Dominique Gerroir's house, at the western entrance.

14. All licensed pilots shall have conspicuous numbers on the sails of their pilot boats,—such numbers to be designated by the Pilotage Authority.

Vide Canada Gazette, Vol. 12, p. 1646.

Public Works.

Public Works.

By Order in Council of the 12th day of June, 1879, it was ordered that the Order in Council of the 13th day of July, 1878, establishing rules respecting the traffic in hiring and working of horses for purposes of boat towing on the Dominion Canals, be henceforward held to apply only to the Beauharnois Canal, and its application to all the other canals was cancelled.

Vide Canada Gazette, Vol. 12, p. 1647.

INTERNATIONAL RAILWAY—LOCAL PASSENGER TARIFF.

Single ticket fares (below the diagonal); Return ticket fares (above the diagonal).

Stations.	Miles.	Sherbrooke.	Lennoxville.	Johnville.	Bulwer.	Birchton.	Cookshire.	Bury.	Gould.	Scotstown.	McLeod's Crossing.	Marsden.	Spring Hill.	Sandy Bay.	Lake Megantic.
		$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.	$ c.
Sherbrooke	......	......	......	0 60	0 75	1 00	1 25	1 50	1 85	2 00	2 40	2 55	2 85	3 20	3 35
Lennoxville	3	0 10	—	0 45	0 60	0 80	1 05	1 35	1 70	1 85	2 25	2 40	2 70	3 05	3 20
Johnville	10	0 40	0 30	—											
Bulwer	13	0 50	0 40	0 10	—										
Birchton	16½	0 65	0 55	0 25	0 15	—									
Cookshire	21	0 80	0 70	0 40	0 30	0 20	—								
Bury	30	1 00	0 90	0 80	0 70	0 55	0 35	—							
Gould	38	1 25	1 10	1 00	0 90	0 75	0 55	0 25	—						
Scotstown	44	1 40	1 30	1 20	1 10	0 95	0 75	0 45	0 20	—					
McLeod's Crossing	50	1 60	1 50	1 30	1 20	1 10	0 95	0 65	0 40	0 25	—				
Marsden	54	1 70	1 60	1 40	1 30	1 20	1 05	0 75	0 55	0 40	0 10	—			
Spring Hill	60½	1 90	1 80	1 60	1 50	1 40	1 25	0 95	0 70	0 55	0 25	0 20	—		
Sandy Bay	66	2 15	2 05	1 85	1 75	1 65	1 50	1 20	0 95	0 75	0 45	0 35	0 20	—	
Lake Megantic	69	2 25	2 15	1 95	1 85	1 75	1 60	1 30	1 05	0 85	0 55	0 45	0 30	0 10	

PRIVY COUNCIL CHAMBER,
OTTAWA, 11th February, 1879.

I hereby certify that the foregoing Local Passenger Tariff has this day been approved by His Excellency the Governor General in Council.

W. A. HIMSWORTH,
Clerk, Privy Council.

Public Works.

INTERNATIONAL RAILWAY—LOCAL FREIGHT TARIFF.

RATES of Freight in cents per 100 lbs., and Rates of Freight in dollars per car load, as per classification below.

Miles.	Stations.	CLASSIFICATION. Sherbrooke.								Lennoxville.								Johnville.							
		First Class.	Second Class.	Third Class.	Fourth Class.	Salt in bags and barrels.	Lumber.	Live Stock.	Grain, Flour and Pork.	First Class.	Second Class.	Third Class.	Fourth Class.	Salt in bags and barrels.	Lumber.	Live Stock.	Grain, Flour and Pork.	First Class.	Second Class.	Third Class.	Fourth Class.	Salt in bags and barrels.	Lumber.	Live Stock.	Grain, Flour and Pork.
		Per 100 lbs.				Per car load.				Per 100 lbs.				Per car load.				Per 100 lbs.				Per car load.			
		cts.	cts.	cts.	cts.	$ c.	$ c.	$ c.	$ c.	cts.	cts.	cts.	cts.	$ c.	$ c.	$ c.	$ c.	cts.	cts.	cts.	cts.	$ c.	$ c.	$ c.	$ c.
0	Sherbrooke	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......
3	Lennoxville	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......
10	Johnville	15	13	11	9	10 00	8 00	7 00	10 00	11	9	7	5	8 00	6 00	6 00	9 00	......	......	......	......	......	......	......	......
13	Bulwer	16	14	12	10	11 00	9 00	8 00	12 00	12	10	8	6	10 00	7 00	7 00	10 00	11	9	7	5	9 00	6 00	7 00	10 00
16½	Birchton	17	15	13	11	13 00	10 00	10 00	13 00	13	11	9	7	11 00	8 00	9 00	12 00	12	10	8	6	11 00	7 00	8 00	12 00
21	Cookshire	19	17	14	12	14 00	11 00	11 00	16 00	15	13	10	8	12 00	9 00	10 00	15 00	14	12	9	7	11 50	8 50	10 00	14 00
30	Bury	22	20	16	14	15 00	12 00	13 00	19 00	18	16	12	10	13 50	10 00	12 00	18 00	17	15	11	9	12 00	9 00	12 00	17 00
38	Gould	24	22	18	15	16 00	12 50	13 50	21 00	20	17	13	11	14 50	11 00	12 50	20 00	18	16	12	10	12 50	10 00	13 00	17 50
44	Scotstown	25	23	19	16	17 00	13 00	14 00	22 00	21	18	14	12	15 00	12 00	13 00	21 00	19	17	13	11	13 00	11 00	14 00	18 00
50	McLeod's Crossing	26	24	20	17	18 00	14 00	15 00	23 00	22	19	15	13	16 00	13 00	14 00	22 00	20	18	14	12	14 00	12 00	15 00	19 00
54	Marsden	26½	24½	20½	17½	18 50	14 50	15 50	23 50	22½	19½	15½	13½	16 50	13 50	14 50	22 50	20½	18½	14½	12½	14 50	12 50	15 50	19 50
60	Spring Hill	27	25	21	18	19 00	15 00	16 00	24 00	23	20	16	14	17 00	14 00	15 00	23 00	21	19	15	13	15 00	13 00	16 00	20 00
69	Lake Megantic	29	28	23	20	21 00	16 00	18 00	26 00	25	23	19	17	20 00	16 00	18 00	26 00	23	22	17	16	18 00	16 00	19 00	23 00

Public Works.

INTERNATIONAL RAILWAY.—LOCAL FREIGHT TARIFF.

RATES of Freight in cents per 100 lbs., and Rates of Freight in dollars per car load, as per Classification below. *Continued.*

Miles.	Stations.	CLASSIFICATION.																							
		*Bulwer.								Birchton.								Cookshire.							
		First Class.	Second Class	Third Class.	Fourth Class.	Salt in bags and bbls.	Lumber.	Live Stock.	Grain, Flour and Pork.	First Class.	Second Class.	Third Class	Fourth Class.	Salt in bags and bbls.	Lumber.	Live Stock.	Grain, Flour and Pork.	First Class.	Second Class.	Third Class.	Fourth Class.	Salt in bags and bbls.	Lumber.	Live Stock.	Grain, Flour and Pork.
		Per 100 lbs.				Per car load.				Per 100 lbs.				Per car load.				Per 100 lbs.				Per car load.			
		cts.	cts	cts.	cts.	$	$	$	$	cts.	cts.	cts	cts.	$	$	$	$	cts.	cts.	cts.	cts.	$	$	$	$
13	*Bulwer	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
16½	Birchton	11	9	7	5	9	6	7	10	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
21	Cookshire	13	11	8	6	14	8	9	13	11	9	7	5	9	6	7	10	....	....	....	....	....	....	....	....
30	Bury	16	14	10	8	15	8½	11	15	14	12	9	7	13	8	10	14	12	10	8	6	11	7	8	12
38	*Gould	16½	14½	10½	8½	15½	9	11½	15½	14½	13	11	8	13½	9	11	14½	12½	10½	8½	6½	12	8	8	12½
44	Scotstown	17	15	11	9	16	10½	12	16	15	14	12	9	14	10	12	15	13	11	9	7	13	9	10	13
50	*McLeod's Crossing	18	16	12	10	17	11	13	17	16	15	13	10	15	11	13	16	14	12	10	8	14	10	11	14
54	*Marsden	18½	16½	12½	10½	17½	11½	13½	17½	16½	15½	13½	10½	15½	11½	13½	16½	14½	12½	10½	8½	14½	10½	11½	14½
61	Spring Hill	19	17	13	11	18	12	14	18	17	16	14	11	16	12	14	17	15	13	11	9	15	11	12	15
69	Lake Megantic	22	20	16	14	21	15	17	20	20	19	17	14	19	15	17	20	18	16	14	12	18	14	15	18

* NOTE.—No Agent. Freight for these Stations must be prepaid.

INTERNATIONAL RAILWAY.—LOCAL FREIGHT TARIFF.

RATES of Freight in cents per 100 lbs., and Rates of Freight in dollars per car load, as per Classification below.
Continued.

		CLASSIFICATION.																							
		BURY.								*GOULD.								SCOTSTOWN.							
Miles.	STATIONS.	First Class.	Second Class.	Third Class.	Fourth Class.	Salt in bags and bbls.	Lumber.	Live Stock.	Grain, Flour and Pork.	First Class.	Second Class.	Third Class.	Fourth Class.	Salt in bags and bbls.	Lumber.	Live Stock.	Grain, Flour and Pork.	First Class.	Second Class.	Third Class.	Fourth Class.	Salt in bags and bbls.	Lumber.	Live Stock.	Grain, Flour and Pork.
		Per 100 lbs.				Per car load.				Per 100 lbs.				Per car load.				Per 100 lbs.				Per car load.			
		cts.	cts.	cts.	cts.	$	$	$	$	cts.	cts.	cts.	cts.	$	$	$	$	cts.	cts.	cts.	cts.	$	$	$	$
30	Bury	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......
38	*Gould	9	8	7	6	8	5	7	10	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......
44	Scotstown	11	10	9	7	9	7	8	12	7	6	5	4	6	5	5	8	......	......	......	......	......	......	......	......
50	*McLeod's Crossing	12	11	10	8	10	8	9	13	11	9	7	5	8	6	6	9	8	6	5	4	6	5	5	7
54	*Marsden	12	11½	10½	8½	10½	8½	9½	13½	11½	9½	7½	5½	8½	6½	6½	9½	8½	6½	5½	4½	6½	5½	5½	7½
60	Spring Hill	13½	12	11	9	11	9	10	14	12	10	8	6	9	7	7	10	9	7	6	5	7	6	6	8
69	Lake Megantic	16	15	14	12	14	12	13	17	15	13	11	9	12	10	10	13	12	10	9	8	10	9	9	10

* No Agent. Freight for these Stations must be prepaid.

INTERNATIONAL RAILWAY.—LOCAL FREIGHT TARIFF.

RATES of Freight in cents per 100 lbs., and Rates of Freight in dollars per car load, as per Classification below. *Concluded.*

Miles.	Stations.	McLeod's Crossing.								*Marsden.								Spring Hill.								Lake Megantic.							
		First Class.	Second Class.	Third Class.	Fourth Class.	Salt in bags and barrels.	Lumber.	Live Stock.	Grain, Flour and Pork.	First Class.	Second Class.	Third Class.	Fourth Class.	Salt in bags and barrels.	Lumber.	Live Stock.	Grain, Flour and Pork.	First Class.	Second Class.	Third Class.	Fourth Class.	Salt in bags and barrels.	Lumber.	Live Stock.	Grain, Flour and Pork.	First Class.	Second Class.	Third Class.	Fourth Class.	Salt in bags and barrels.	Lumber.	Live Stock.	Grain, Flour and Pork.
		Per 100 lbs.				Per car load.				Per 100 lbs.				Per car load.				Per 100 lbs.				Per car load.				Per 100 lbs.				Per car load.			
		c.	c.	c.	c.	$	$	$	$	c.	c.	c.	c.	$	$	$	$	c.	c.	c.	c.	$	$	$	$	c.	c.	c.	c.	$	$	$	$
50	*McLeod's Crossing	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
54	*Marsden	7	6	4	6	5	4	4	6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
60	Spring Hill	8	7	5	7	6	5	5	7	8	7	5	7	6	3	3	7	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
69	Lake Megantic	11	10	8	10	9	8	8	10	11	10	8	10	9	8	8	10	10	8	6	5	8	6	6	9	...	...	...	...	...	...	...	...

* NOTE.—No Agent. Freight for these Stations must be prepaid.

Public Works.

GENERAL NOTICES AND CONDITIONS OF CARRIAGE. ALL CHARGES PAYABLE ON DELIVERY OF GOODS.

1 Smalls are to be charged the same as 100 lbs first-class rates, but no less charge than 25 cents will be made.

2. Articles will not be received for transportation unless properly packed in suitable casks, boxes, bales, vessels or packages, and plainly marked and directed.

3. This Company will not be accountable for any article, unless the same be signed for as received by a duly authorized agent. Agents must not give receipts reading in "good order," but in "apparent good order."

4. Agents will not sign receipts for the delivery of any property at any place beyond the point to which the freight is billed. All articles marked at "owner's risk" in the classification must be so receipted for by agents.

5. Articles that the agents do not consider worth the charges at forced sale, will not be taken unless the freight on the same is prepaid. Perishable articles will be immediately sold to secure the freight charges if not paid when such articles arrive at the railway station, or are offered for delivery.

6. No agent or other employee of this Company is authorized to take charge of bank notes, money or other valuable papers.

7. No responsibility will be assumed by this Company for the correctness of any moneys charged as "back charges" or "paid outs" on freight, &c., by other roads, companies or individuals; nor will the cost of the articles shipped be charged on the goods, but the charges for transportation only.

8. No allowance will be made for damage on any freight, unless the attention of the agent is called to it, and the extent of the damages determined upon before the freight leaves the Company's depot.

9. When an invoice covers a variety of articles, as a lot of furniture, &c., or car loads of grain or other freight, each separate piece must be properly marked and numbered, and the quantities given, and a bill of particulars furnished by the consignor in duplicate, one to be receipted and the other to go with the way bill.

10. When it is absolutely necessary for agents to receive the count or measure from the shippers or consignors of freight, they must in all cases give receipts for, and way bill it as "shippers count," and the Company will not be responsible for short count, nor for any deficiency in the weight or measure of grain, &c., nor for loss or deficiency of weight, number or measure of lumber or timber carried by the car load.

11. Coal oil, varnish, spirits of turpentine, benzine, camphor or any other burning fluid or like freight must not be accepted for carriage in tin packages, unless such packages are securely boxed in wood. Senders of any dangerous article will be held accountable for any damage arising therefrom, or thereto, unless the contents are described as such upon the directions marked thereon, that due care may be observed in the loading; and in no case will the Company be liable for the loss of or damage to any such articles; and the Company will only undertake the carriage of

aquafortis, vitriol, friction matches or gunpowder on special terms to be superadded to these conditions.

12. All articles will be at the owner's risk at the several way stations and platforms, where depot buildings have not yet been established by the Company, from the moment such articles are delivered as directed or marked, or until taken into the cars, as the case may be. And no article destined for such points will be received unless the freight is prepaid; and unless specially arranged to the contrary, the putting out of such articles at such stations or platforms will be a delivery, whether any one is there ready to receive or not

13. Nor will this Company be responsible for the loss of, or damage done to, money in cash, or bills, or promissory notes, or securities for money, or jewellery, trinkets, rings, precious stones, bullion, gold and silver, manufactured or unmanufactured, gold and silver plate, or plated articles, clocks, watches, timepieces, marbles, laces, furs, silks, in a manufactured or unmanufactured state, and whether wrought up or not with other materials, writings, title deeds, prints, paintings, maps, engravings, pictures, stamps or other valuables; nor for damage done to china, glass, wearing apparel, musical instruments, furniture, toys, castings, or any other such hazardous or brittle articles, in packages or otherwise.

14. Nor for damages occasioned by delays from storms, accidents or unavoidable causes, or for damages from fire, heat, frost, or decay of perishable articles, or from civil commotion.

15. Nor for loss or damage of any package insufficiently packed, marked, directed or described, containing a variety of articles liable, by breaking, to damage each other, or other articles; nor for leakage, arising from bad casks or bad cooperage, or from fermentation.

16. Nor for loss or damage done to goods put into returned wrappers or boxes, or packages described as empties; nor for goods left until called for, or to order, or warehoused for the convenience of the parties to whom they belong, or by, or to whom they are consigned.

17. When goods are intended, after being conveyed upon this railway, to be forwarded by some other Company or carrier to their final destination, the duplicate receipts furnished by the consignors, must specify the same, and the articles be marked accordingly. This Company will not be responsible for such articles after they are so delivered

18. Carriages, when not boxed, will be taken only at owner's risk; and they must be securely protected or covered, so that there will be no liability to injury by fire, weather or chafing.

19. No goods will be delivered until the freight and charges thereon are paid; and if not paid within six weeks after arrival they will be sold and the proceeds applied towards satisfaction of such claims and expenses.

20. All articles, except when it is otherwise specially provided, will be charged by weight, either actual or estimated.

21. All property of every description is at owner's risk from fire (after having been delivered on the Company's station grounds,) and from all other loss or injuries, except such as may arise from negligence of the Company's agents.

22. All articles of freight arriving at their place of destination must be taken away within forty-eight hours,—the Company reserving the right of charging storage on the same, or placing the same in store at the risk and expense of the owner, if they see fit, after the lapse of that time.

23. Demurrage at the rate of two dollars per car per day will be charged on all cars not unloaded within twenty-four hours after arriving, unless a special agreement to the contrary be made in writing. And for this demurrage the Company shall have the same lien as for freight.

24. Ten tons of 2,000 lbs. per ton shall be considered a full car load, and any excess over ten tons will be charged double rates.

25. No part of any consignment of goods will be billed as "part lot," "more to go," &c., and no part of any consignment of goods will be delivered until the charges on the whole consignment be paid, and the proper receipts taken therefor.

26. Empties returned, not otherwise specified, all kinds taken at same rate per 100 lbs. actual weight, as charged when carried over the road when full, but must be prepaid.

27. All freight in bulk, and all heavy and troublesome articles, such as agricultural implements, boilers, heavy castings, engines, live stock, machinery, mill stones, &c, &c., must be loaded and unloaded by consignor or owner; also the following articles, when in car loads: Bark, bricks, coal, pig iron, lime, lumber, timber, &c., marble or other stone, railroad iron and fixtures, sand, &c., &c.

28. All live stock shall be carried by special contract only, and upon the following conditions of carriage:—

1st. The owner of animals undertakes all risks of loss, injury, damage and other contingencies in loading, unloading, transportation, conveyance and otherwise, no matter how caused.

2nd. The Railway Company do not undertake to forward the animals or any other freight by any particular train, or at any specified hour; neither shall they be responsible for the delivery of the animals or any other freight within any certain time, or for any particular market.

3rd. When free passes are given to persons in charge of animals, it is only on the express condition that the Railway Company are not responsible for any negligence, default or otherwise, on the part of the Company or their servants, or of any other person or persons whomsoever, causing or tending to cause the death, injury or detention of persons with such free passes.

4th. When sent in quantities of less than one car load, stock will be charged at per head.

29. Live stock will only be carried at owner's risk; to be loaded, unloaded and fed by owner, or at his expense, as follows:

In car loads at live stock rates—the owners or drivers will be taken free on the same train with their live stock, under the following regulations:

One, two or three cars............................one person.

Four, five or six cars..............................two persons.
Seven, eight, nine or ten cars........ .... three "
Over ten cars in one lot...........................four "

Return passes will not be given.

In less than car loads, as follows:

One horse, mule or horned animal.......	2000 lbs
Each additional animal in same car.................	1500 "
Hogs, calves, sheep, lambs, each	200 "
Bull calves under one year old.........................	1000 "
Stallions, race horses, bulls, each......................	4000 "

When double decked cars are furnished, one and a-half live stock rates to be charged, but the Company do not undertake to provide double deck cars.

The Company will not be responsible for any loss or injury happening or occasioned by unruly or vicious horses, cattle, swine or sheep, nor for accidents to the same in loading, carrying, or unloading, nor for any damages however caused, to live stock or animals transported or carried on their railway or in their cars.

The rate for live stock is based upon and intended only for stock of ordinary value. Blood animals, or animals deemed specially valuable (of which due notice must be given), will be carried only by special contract, and at special rates.

When live stock is delivered to owners, the Company's receipt for same must always be collected from owners or drovers.

30. All lumber, timber, &c., will be carried by special contract only, and upon the following conditions of carriage:—

Unless by special arrangement to the contrary, all timber, lath, shingles, tan bark, and lumber and timber of all kinds, must be loaded, and the cars properly staked by the shippers, and unloaded by the consignees or owners, or at their expense. Cars loaded with 12 feet lumber not exceeding 2 inches in thickness.

2 lengths 3 feet 9 in. high will be estimated at 8 M feet B. M.
2 lengths 2 feet 10 in. high will be estimated at 6 M feet B. M.
2 lengths 1 foot 11 in. high will be estimated at 4 M feet B. M.

Planed lumber, joists, scantling and plank exceeding two inches in thickness.

2 lengths 3 feet 3 in. high will be estimated at 8 M feet B. M.
2 lengths 2 feet 6 in. high will be estimated at 6 M feet B. M.
2 lengths 1 foot 8 in. high will be estimated at 4 M feet B. M.

If the lumber exceeds 12 feet in length, additions will be made in proportion to the increased length.

Every lumber car on being loaded must be plainly marked with the name of the consignee and its destination, or it will not be taken.

31. No person will be allowed to place or pile lumber, wood or other material within six feet of the track.

32. For further particulars, see Classification and Table of Weights.

33. Any excess in weight over ten tons per car (as in all other cases where freight is carried by the car load) will be charged double rates.

Public Works, &c.

34. Agents must require consignors to furnish the necessary shipping papers upon the form furnished by the Company for that purpose, upon which are to be entered the following particulars:—

(*a.*) The name and address of the consignee;

(*b.*) The railway station or other place to which the property is to be sent; and when such place is not on the line of the International Railway, the station of the road to which such freight is to be sent, and also, when possible, the particular route by which the property is to be forwarded;

(*c*) The number and description of each kind of package or article offered for carriage, and the various marks upon each.

35. Special attention is directed to those articles marked "special rates" in the Classification, or other like freights not enumerated therein. Agents must not quote rates upon such freights when the rates are not provided for in the Classification or Freight Tariff, without special instructions from the Manager or Superintendent.

PRIVY COUNCIL CHAMBER,
OTTAWA, 11th February, 1879.

I hereby certify that the foregoing Local Freight Tariff has this day been approved by His Excellency the Governor General in Council.

W. A. HIMSWORTH,
Clerk, Privy Council.

Secretary of State.

GOVERNMENT HOUSE, OTTAWA.
Friday, 3rd day of January, 1879.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

UPON the reference by the Honourable the Secretary of State of the Report of the Returning Officer appointed to take the votes of the electors of the City of Fredericton, N.B., upon the Petition of certain of the electors for the bringing into force in that city of the second part of "The Canada Temperance Act, 1878,"

The Honourable the Minister of Justice reports that the proceedings had by the Returning Officer appear to be conformable to the Act, and that the Petition has been declared adopted by the electors of the said City of Fredericton.

Secretary of State.

Whereupon His Excellency has been pleased to declare, and it is hereby declared, that inasmuch as sixty days from the day of the adoption of the said Petition have elapsed, the second part of "The Canada Temperance Act, 1878," shall be in force and take effect in the said City of Fredericton upon, from and after the day on which the annual or semi-annual licenses for the sale of spirituous liquors now in force in the said city, will expire; provided such day be not less than ninety days from the day of the date hereof, and if it be less, then on the like day in the following year.

W. A. HIMSWORTH,
Clerk of the Queen's Privy Council for Canada.

GOVERNMENT HOUSE, OTTAWA.
Monday, 31st day of March, 1879.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

UPON a Report, dated 29th March, 1879, from the Honourable the Secretary of State, in the matter of the Petition under "The Canada Temperance Act, 1878," of certain electors of the County of York, in the Province of New Brunswick, stating that it appears by the Report of the Returning Officer appointed to take the votes of the electors upon the said Petition, that the Petition was adopted on the twenty-eighth day of December last past by the electors of the said County of York, and that more than sixty days have now elapsed since the day of the adoption of the said Petition,—

His Excellency on the recommendation of the Honourable the Secretary of State has been pleased to declare, and it is hereby declared, that the second part of "The Canada Temperance Act, 1878," shall be in force and take effect in the said County of York upon, from and after the day on which the annual or semi-annual licenses for the sale of spirituous liquors, now in force in the said county, will expire; provided such day be not less than ninety days from the day of the date hereof, and if it be less, then on the like day in the then following year.

W. A. HIMSWORTH,
Clerk, Privy Council.

GOVERNMENT HOUSE, OTTAWA.
Tuesday, 22nd day of April, 1879.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

UPON a Report dated, 15th April, 1879, from the Honourable the Minister of Justice, in the matter of the Petition under "The Canada Tem-

"perance Act, 1878," of certain electors of Prince County, in the Province of Prince Edward Island, stating that the proceedings had by the Returning Officer appear to be conformable to the Act, and that the Petition has been declared adopted by the electors of the said Prince County, and that more than sixty days have now elapsed since the day of the adoption of the said Petition,—

His Excellency, on the recommendation of the Honourable the Minister of Justice, has been pleased to declare, and it is hereby declared, that the second part of "The Canada Temperance Act, 1878," shall be in force and take effect in the said Prince County upon, from and after the day on which the annual or semi-annual licenses for the sale of spirituous liquors, now in force in the said county, will expire; provided such day be not less than ninety days from the day of the date hereof, and if it be less, then on the like day in the following year.

W. A. HIMSWORTH,
Clerk, Privy Council.

GOVERNMENT HOUSE, OTTAWA,
Wednesday, 28th day of May, 1879.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

UPON a Report dated, 21st May, 1879, from the Honourable the Minister of Justice, on the report of the Returning Officer appointed to take the votes of the electors of the County of York, in the Province of Ontario, upon the Petition of certain electors of that County, praying for the repeal (under the Canada Temperance Act, 1878) of a By-Law, number two hundred and ninety-nine (299), passed by the County Council of the said County of York, under the provisions of the Temperance Act of 1864:

The Minister reports that the proceedings had by the Returning Officer appear to have been conformable to the Act, and that the Petition has been declared adopted by the electors of the said County of York:

On the recommendation of the Honourable the Minister of Justice, and under the provisions of the Canada Temperance Act, 1878, His Excellency has been pleased to declare, and doth hereby declare, the said By-Law to be repealed upon, from and after the day of the publication of this Order in Council in the *Canada Gazette*.

W. A. HIMSWORTH,
Clerk, Privy Council.

(*Published May* 31, 1879.)

Secretary of State.

GOVERNMENT HOUSE, OTTAWA.
Wednesday, 28th day of May, 1879.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

UPON a Report, dated 21st May, 1879, from the Honourable the Minister of Justice on the report of the Returning Officer appointed to take the votes of the electors of the County of Lanark, in the Province of Ontario, upon the Petition of certain electors of that County, praying for the repeal (under the Canada Temperance Act, 1878), of a By-Law passed by the County Council of the said County of Lanark for the enforcement of the Temperance Act of 1864:

The Minister states that the proceedings had by the Returning Officer appear to have been conformable to the Act, and that the Petition has been declared adopted by the electors of the said County of Lanark:

On the recommendation of the Honourable the Minister of Justice, and under the provisions of The Canada Temperance Act, 1878, His Excellency has been pleased to declare, and doth hereby declare, the said By-Law to be repealed upon, from and after the day of the publication of this Order in Council in the *Canada Gazette.*

W. A. HIMSWORTH,
Clerk, Privy Council.

(*Published May* 31, 1879.)

GOVERNMENT HOUSE, OTTAWA.
Wednesday, 11th day of June, 1879.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

UPON a Report, dated 4th June, 1879, from the Honourable the Secretary of State on the report of the Returning Officer appointed to take the votes of the electors of the County of Missisquoi, in the Province of Quebec, upon the petition of certain electors of that county, praying for the repeal, under the (Canada Temperance Act, 1878,) of a By-law, number thirty-one (31), passed by the County Council of the said County of Missisquoi, under the provisions of the Temperance Act of 1864:

The Secretary of State reports that the proceedings had by the Returning Officer appear to have been conformable to the Act, and that the Petition has been declared adopted by the electors of the said County of Missisquoi:

On the recommendation of the Honourable the Secretary of State, and under the provisions of the Canada Temperance Act, 1878, His Excellency has been pleased to declare, and doth hereby declare, the said By-law to be repealed upon, from and after the day of the publication of this Order in Council in the *Canada Gazette.*

W. A. HIMSWORTH,
Clerk, Privy Council, Canada.

(*Published June* 14, 1879.)

Secretary of State.

Letters-Patent of incorporation under the Joint Stock Companies Act, 1877, have been issued to the following companies :—

The Laurentian Phosphate Mining Co. (limited) ; capital, $20,000, on the 26th day of July, 1878.

The Templeton and North Ottawa Mining Co. (limited) ; capital, $50,000, on the 23rd July, 1878.

The Niagara Navigation Co. (limited) ; capital, $150,000, on the 26th day of July, 1878.

The Keats Machine Co. (limited) ; capital, $20,000, on the 27th day of August, 1878.

The Victoria Consolidated Silver Mining Co. (limited) ; capital, $128,000, on the 10th day of October, 1878.

The Dominion Bank Note Co. (limited) ; capital, $100,000, on the 17th day of January, 1879.

The Canada Publishing Co. (limited) ; capital, $150,000, on the 14th day of June, 1879.

The St. Lawrence Sugar Refining Co. (limited) ; capital, $400,000, on the 14th day of June, 1879.

The Intercolonial Express Co. (limited) ; capital, $100,000, on the 26th day of June, 1879.

The International Railway Supply Co. (limited) ; capital, $500,000, on the 29th day of June, 1879.

The Canada Sugar Refining Co. (limited) ; capital, $1,000,000, on the 3rd day of July, 1879.

Notice of the amalgamation of the Canada Central and Brockville & Ottawa Railway Cos., under the name of the Canada Central Railway Co., was published in *Canad Gazette* of the 18th May, 1879, in accordance with the provisions of the Act 41 Vic., Chap. 36, Sec. 3.

Notice of the amalgamation of the Côteau and Province Line Railway and Bridge Company and the Montreal and City of Ottawa Junction Railway Co., under the name of the Canada Atlantic Railway Co., was given in the *Canada Gazette* of the 28th June, 1879, in accordance with 42 Vic., Chap. 57, Sec. 12.

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TREATIES.

ORDERS IN COUNCIL, CORRESPONDENCE, PROCLAMATIONS AND REGULATIONS.

IMPERIAL.

CANADIAN.

Erratum.—Page lxxxvii, lines 4, 5, 6, leave out the words "and ships engaged in trading between ports and places in the Dominion, or in the fishing trade"

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—TO—

RESERVED ACTS, TREATIES, ORDERS IN COUNCIL, &c.,

PREFIXED.

RESERVED ACTS OF CANADA.

TREATIES.

ORDERS IN COUNCIL, &c.

IMPERIAL.

CANADIAN.

ACTS

OF THE

PARLIAMENT

OF THE

DOMINION OF CANADA

PASSED IN THE

FORTY-SECOND YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

AND IN THE

FIRST SESSION OF THE FOURTH PARLIAMENT,

Begun and holden at Ottawa, on the thirteenth day of February, and closed by Prorogation on the fifteenth day of May, 1879.



HIS EXCELLENCY

THE RIGHT HONORABLE SIR JOHN DOUGLAS SUTHERLAND CAMPBELL,

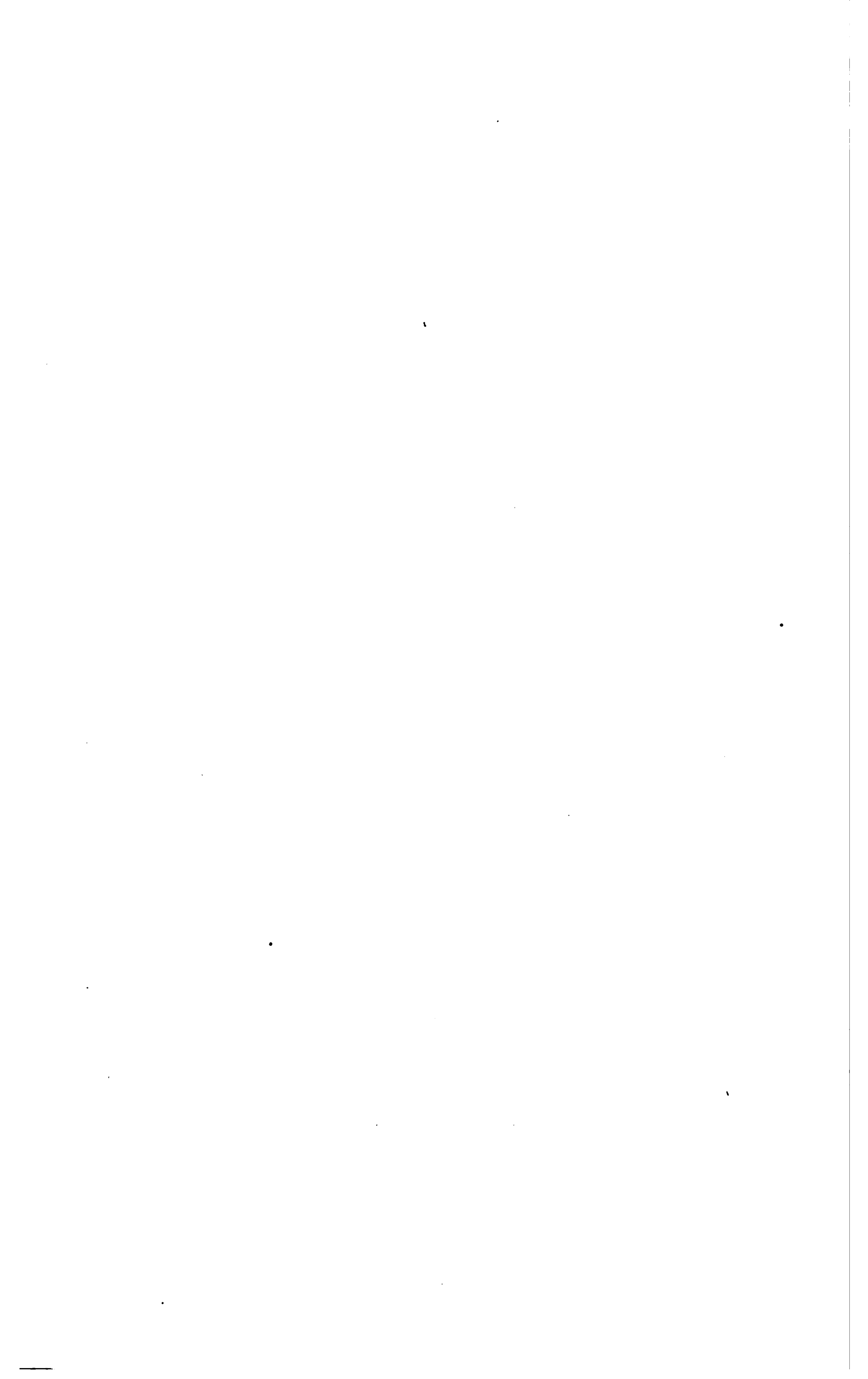
(COMMONLY CALLED THE MARQUIS OF LORNE)

GOVERNOR GENERAL.

VOL. I.

PUBLIC GENERAL ACTS.

OTTAWA:
PRINTED BY BROWN CHAMBERLIN,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.
ANNO DOMINI, 1879.





42 VICTORIA.

CHAP. 1.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial years ending respectively the 30th June, 1879, and the 30th June, 1880, and for other purposes relating to the public service.

[*Assented to* 15*th May*, 1879.]

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency the Right Honorable Sir John Douglas Sutherland Campbell, commonly called the Marquis of Lorne, Governor General of the Dominion of Canada, and the estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the public service of the Dominion not otherwise provided for, for the financial years ending respectively the thirtieth day of June, one thousand eight hundred and seventy-nine, and the thirtieth day of June, one thousand eight hundred and eighty, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

$1,003,370.24 granted for 1878-79 out of Consolidated Revenue Fund of Canada for purposes in Schedule A.

1. From and out of the Consolidated Revenue Fund of Canada, there shall and may be paid and applied a sum not exceeding in the whole one million three thousand three hundred and seventy dollars and twenty-four cents, towards defraying the several charges and expenses of the public service of the Dominion, from the first day of July, in the year of Our Lord one thousand eight hundred and seventy-eight to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and seventy-nine, not otherwise provided for, and set forth in Schedule A to this Act, and also for other purposes in the said Schedule mentioned.

2.

$23,612,455.31 granted for 1879-80 out of Consolidated Revenue Fund of Canada, for purposes in Schedule B.

2. From and out of the Consolidated Revenue Fund of Canada, there shall and may be paid and applied a sum not exceeding in the whole twenty-three million six hundred and twelve thousand four hundred and fifty-five dollars and thirty-one cents, towards defraying the several charges and expenses of the public service of the Dominion, from the first day of July, in the year of Our Lord one thousand eight hundred and seventy-nine, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and eighty, not otherwise provided for, and set forth in Schedule B to this Act, and for other purposes in the said Schedule mentioned.

Detailed account to be rendered.

3. A detailed account of the sums expended under the authority of this Act, shall be laid before the House of Commons of Canada during the first fifteen days of the then next session of Parliament.

Declaratory as to certain loans authorized but not raised.

4. And whereas there remained on the thirty-first day of December last unborrowed and negotiable of the loans authorized by Parliament for the several works hereinafter mentioned, and for general purposes, the sums opposite to each respectively, viz:—

	$ cts.	$ cts.
For Intercolonial Railway		2,433,333 33
For opening communication and administration of the Government in the North-West Territories		1,460,000 00
For improvement of the River St Lawrence		1,500,000 00
For improvement of Quebec Harbour		1,200,000 00
For the Pacific Railway and Canadian Canals		7,300,000 00
For general purposes, balance, 30th June, 1878	9,802,485 46	
Redeemed to 31st Dec., 1878	7,634,716 23	
	17,437,201 69	
Issued Dominion Loan of 1878	14,600,000 00	
		2,837,201 69
		$16,730,535 02

Such loans may be raised under 35 V. c. 6, as amended by 38 V. c. 4.

Therefore it is declared and enacted, that the Governor in Council may authorize the raising of the several sums above mentioned, as they may be required for the purposes aforesaid, respectively, under the provisions of the Act passed in the thirty-fifth year of Her Majesty's reign, intituled "*An Act respecting the Public Debt, and the raising of Loans authorized by Parliament,*" as amended by the Act passed in the thirty-eighth year of Her Majesty's reign, intituled: "*An Act to amend the Act respecting the Public Debt and the raising of Loans authorized by Parliament;*" and the sums so raised shall form part of the Consolidated Revenue Fund of Canada out of which like sums shall be applicable to the several purposes aforesaid, under the Acts and provisions thereunto relating respectively.

Application of sums so raised.

SCHEDULE A.

SCHEDULE A.

SUMS granted to Her Majesty by this Act, for the Financial Year ending 30th June, 1879, and the purposes for which they are granted.

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
CHARGES OF MANAGEMENT.			
To meet the possible amount required to complete the expenditure in full of the Seigniorial Tenure Commission			1,500 00
CIVIL GOVERNMENT.			
Governor General's Office—Increased allowance to Secretary from 1st April	$200 00		
Increased allowances to Aides-de-camp from 1st April	400 00		
		600 00	
Department of Justice—To secure organization of Staff as shewn in details of Estimates for 1879-80, to take effect from 1st January, 1879		550 00	
Post Office Department—Increased allowance to Secretary		300 00	
Departmental Contingencies—Additional amount required by Department of Interior		2,000 00	
			3,450 00
POLICE.			
To provide for expenditure caused by increase of Staff during the year			250 00
PENITENTIARIES.			
Manitoba—Further sum required for this service		1,500 00	
British Columbia—Further sum required for this service		2,400 00	
			3,900 00
LEGISLATION.			
To meet expenditure for Witnesses and Shorthand Reporters, Session of 1878		1,000 00	
To meet further expenditure in full on account of publication of debates of 1878		5,364 28	
To meet the cost of printing and preparing Catalogue of the Library of Parliament		5,300 00	
To pay a gratuity to E. U. Piché, Esq., late Clerk Assistant of the House of Commons, on his retirement		1,000 00	
			12,664 28
ARTS, AGRICULTURE AND STATISTICS.			
To meet the amount required to complete expenditure on account of the Paris Exhibition		25,000 00	
To meet further amount required in connection with the preparation of Criminal Statistics		1,000 00	
			26,000 00
Carried forward			47,764 28

SCHEDULE A.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			47,764 28
IMMIGRATION AND QUARANTINE.			
To replace fittings at Grosse Isle Hospital destroyed by fire			1,000 00
PENSIONS.			
To meet expenditure required for Veterans of 1812-15			2,000 00
MILITIA.			
Ordinary.			
Military Branch and District Staff—To provide for pay of one Assistant Inspector of Artillery for the Maritime Provinces, from 17th September, 1878, to 30th June, 1879	946 66		
To provide for gratuities to retiring officers consequent upon the amalgamation of the offices of Paymaster and Store-keeper in various districts	2,400 00		
		3,346 66	
Drill Pay—Amount required to pay the cost of the drill of the Ottawa Troop of Cavalry		814 50	
Guard at Rideau Hall—Pay and maintenance		2,500 00	
Extraordinary.			
To pay expenditure incurred in connection with precautionary measures for defensive purposes		3,000 00	
To pay expenditure incurred through the calling out of the Militia in aid of the civil power at Montreal and Quebec in 1878.	13,000 00		
do do Cape Breton in 1876	622 81		
		13,622 81	
			23,283 97
PUBLIC WORKS AND BUILDINGS			
(*Chargeable to Capital.*)			
RAILWAYS.			
Pacific Railway—To pay Mr. Wallace as compensation for his loss of time whilst employed in this service		1,750 00	
Intercolonial Railway—Amount required for completion..	20,000 00		
Amount required on account of extension into Halifax	5,000 00		
Amount required to pay for construction of Engine House at Ste. Flavie	5,721 02		
Amount of award in favour of Messrs. Boggs & Murray for work under Contract Section 19, and expenses in connection therewith in accordance with judgment of the Exchequer Court	101,753 00		
		132,474 02	
Carried forward		134,224 02	74,048 25

SCHEDULE A.

SCHEDULE A.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		134,224 02	74,048 25
PUBLIC WORKS AND BUILDINGS—*Continued.*			
(*Chargeable to Capital.*)			
CANALS.			
Culbute Canal—Amount required		9,000 00	
Grenville Canal—Amount required to pay legal representatives of Lemuel Cushing for land damages		480 06	
Rideau Canal—Balance of appropriation for 1877-78, unexpended on 30th September, 1878, and carried forward by special warrant		3,754 00	
PUBLIC BUILDINGS, OTTAWA.			
Eastern Block—Amount required for construction of attics	8,000 00		
Western Block—Amount required to complete payments for extension	10,000 00		
		18,000 00	
			165,458 08
PUBLIC WORKS AND BUILDINGS			
(*Chargeable to Income.*)			
PUBLIC BUILDINGS.			
Ontario.			
Custom House, Toronto—Balance due Architect	1,529 00		
Kingston Military College, to complete	20,000 00		
Ottawa Drill Shed, amount required	2,000 00		
Quebec.			
Montreal Examining Warehouse, to complete	10,000 00		
New Brunswick.			
Chatham Post Office, alterations and fittings	790 00		
		34,319 00	
PENITENTIARIES.			
Dorchester, N.B., Penitentiary—Balance of appropriation for 1877-78 remaining unexpended on 30th September, 1878, and carried forward by special warrant		21,505 45	
RENTS, REPAIRS, ETC.			
Rents, repairs, furniture, heating, &c.	45,000 00		
Lamps for road to Rideau Hall	180 00		
Seven months' Lighting and Gas, road to Rideau Hall	116 66		
		45,296 66	
Carried forward		101,121 11	239,506 33

SCHEDULE A.

SCHEDULE A.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		101,121 11	239,506 33
PUBLIC WORKS AND BUILDINGS—*Concluded.*			
(*Chargeable to Income.*)			
HARBOURS AND BREAKWATERS.			
Ontario.			
Bayfield Harbour—Amount awarded to J. S. McEwen by official arbitrators, in settlement of his claim for extras	4,950 00		
Nova Scotia.			
Oak Point Breakwater—To refund J.E. Woodworth certain moneys expended by him in connection with this service	530 00		
		5,480 00	
IMPROVEMENT OF NAVIGABLE RIVERS.			
Removal of rock, Victoria Harbour, Fraser River, B.C.—Balance of appropriation for 1877-78 remaining unexpended on 30th September, 1878, and carried forward by special warrant	5,320 00		
Oromocto Shoals, River St. John	5,000 00		
		10,320 00	
RED RIVER ROAD.			
Amount required to pay arrears of wages to L. D. Audy		230 00	
ARBITRATIONS AND AWARDS.			
To pay gratuity of one year's salary to Chas. Taylor on his retirement from the position of Official Arbitrator		1,000 00	
SLIDES AND BOOMS.			
To pay for professional services in the case Chevrier *vs.* Regina, Gatineau River Booms		400 00	
			118,551 11
OCEAN AND RIVER SERVICE.			
Mail Subsidies.			
To provide for mail subsidy between Halifax and Cork, if necessary (Re-vote)		19,770 84	
To provide for payment for services rendered by Steam Navigation Company of Prince Edward Island in conveyance of mails between Summerside and Shediac during the season of navigation, 1869		1,000 00	
To provide for further expenditure for investigations into Wrecks and Casualties	$1,266 00		
To provide for professional services incurred in the suit of the Queen *vs.* David	510 27		
		1,776 27	
			22,547 11
Carried forward			380,604 55

SCHEDULE A.

SCHEDULE A.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	....	380,604 55
LIGHTHOUSE AND COAST SERVICE.		
To remunerate Donald McNeill for loss and expenses in connection with his removal from St. Paul's Island in 1874..........	....	200 00
FISHERIES.		
To provide for salaries and disbursements of additional Fishery Overseers and Wardens in the Province of Quebec	1,000 00	
To further provide for the maintenance of the several Fish-breeding Establishments in the Dominion	4,000 00	
		5,000 00
STEAMBOAT INSPECTION.		
To further provide for expenditure on account of measurement of Steamers, &c.	....	333 46
INDIANS.		
Indians of Quebec.		
To provide grant for relief for unforeseen cases of distress amongst the Indians of the Lower St Lawrence...........	2,000 00	
Indians of the North-West.		
To provide for payment of further Annuitants under Treaty No. 4 ..	7,265 00	
do do Treaty No. 6 ..	17,945 00	
do do Treaty No. 7 ..	3,601 00	
To provide for further expenditure for agricultural implements, cattle, &c., under Treaties Nos. 4, 6 and 7, owing to a large number of Indians being desirous to commence the cultivation of the soil..	20,000 00	
To provide for further expenditure incurred for purchase of provisions in consequence of threatened famine amongst the Indians	10,000 00	
To provide for further expenditure in connection with the general expenditure for the North-West Superintendency, being for salaries of Instructors of Farming for 1878-79	2,000 00	
		62,811 00
NORTH-WEST MOUNTED POLICE.		
Pay, supplies and miscellaneous stores to complete the service for the year	32,000 00	
Improved arms and ammunition to complete the service for the year	3,000 00	
Mail service between Fort Benton, Montana, and Forts Walsh, Macleod, Calgary and Saskatchewan	6,000 00	
		41,000 00
Carried forward	....	489,949 01

SCHEDULE A.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			489,949 01
MISCELLANEOUS.			
To pay to Hon. T. W. Anglin, salary attached to office of Speaker of House of Commons, from 1st Oct., 1878, to 12th Feb., 1879		1,476 19	
Miscellaneous Printing—Further amount required for this service		3,000 00	
To pay for 350 copies of the Parliamentary Companion		700 00	
To pay T. D. Harington, Esq., late Deputy Receiver-General, gratuity on his retirement, after 47 years' service, through the abolition of his office		800 00	
To pay for proportionate cost of testimonial to be presented to His Excellency M. Delfosse, for services on the Halifax Fishery Commission (remainder to be paid by United States and Newfoundland)		2,389 05	
To pay for expenses incurred in connection with the arrival at Halifax of His Excellency the Governor-General and Her Royal Highness Princess Louise, and train hire between Halifax and Ottawa		7,000 00	
To pay expenditure incurred on account of Special Trade Mission to France and Spain		11,000 00	
To pay F. X. Prieur, late Director of Penitentiaries, expenses incurred by him on his removal from St. Vincent de Paul to Ottawa		500 00	
To pay Sheriff of Montreal for services as Commissioner in issuing and refusing licenses to carry arms under Better Prevention of Crimes Act		100 00	
			26,965 24
COLLECTION OF REVENUES.			
CUSTOMS.			
For the following amounts required to complete this service, viz. :—			
Ontario	7,430 00		
Quebec	6,690 00		
New Brunswick	1,290 00		
Nova Scotia	1,150 00		
Prince Edward Island	180 00		
Manitoba and North-West Territories	1,000 00		
		17,740 00	
EXCISE.			
Preventive Service, amount required to complete		800 00	
PUBLIC WORKS.			
Canals—Welland Canal, rebuilding weir, Port Dalhousie	16,000 00		
Railways—Intercolonial Railway, amount required to complete working expenses for the year	200,000 00		
Prince Edward Island Railway, amount required to complete working expenses for the year	20,000 00		
Slides and Booms—Saguenay District—For repairs to Slides made in year 1876-77	3,596 37		
Ottawa District—To pay for rent of service ground in connection with Springtown Boom, Madawaska River, from 5th December, 1873, to 2nd July, 1878	457 12		
		240,053 49	
Carried forward		258,593 49	516,914 25

SCHEDULE A.

SCHEDULE A.—*Concluded.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		258,593 49	516,914 25
COLLECTION OF REVENUES—*Concluded.*			
POST OFFICE.			
To pay Grand Trunk Railway for daily transport of mails, over 149 miles of railway, between the Canada Boundary Line and Danville Junction (Maine), from 1st July, 1867, to 31st December, 1874, when, by postal convention with the United States, the conveyance of these mails was assumed by the United States Post Office..............................	7,776 22		
To pay Mr. Joseph C. Croskill for certain printed forms which were in his hands at the time (Nov. 22nd, 1873,) when the printing for the Post Office in Nova Scotia was withdrawn from him..............................	1,067 35		
To pay Mr. F. J. Barnard, contractor for the Barkerville and Yale Mail Service, British Columbia, the difference between the contract rate and the rate actually paid to him from 1st April, 1877..............................	11,250 00		
		20,093 57	
			278,687 06
UNPROVIDED ITEMS, 1877-78.			
Vide Public Accounts, 1877-78, part ii, page 318..............................		....	207,768 93
Total..............................		....	1,003,370 24

SCHEDULE B.

SCHEDULE B.

SUMS granted to Her Majesty, by this Act, for the Financial Year ending 30th June, 1880, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
CHARGES OF MANAGEMENT.		
Financial Inspector	2,600 00	
Office of Assistant Receiver-General, Toronto	7,600 00	
do do Montreal	5,500 00	
Auditor and do Halifax	10,000 00	
do do St. John, N.B	11,400 00	
do do Winnipeg	5,000 00	
do do Victoria, B.C	7,000 00	
do do Charlottetown, P.E.I	4,000 00	
Country Savings Banks: New Brunswick, Nova Scotia and British Columbia	12,500 00	
		65,600 00
CIVIL GOVERNMENT.		
Governor General's Secretary's Office	10,800 00	
Office of the Queen's Privy Council for Canada	15,730 00	
Department of Justice	12,800 00	
do Penitentiaries Branch	3 950 00	
Department of Militia	37,390 00	
do Secretary of State	32,550 00	
do Interior	55,210 00	
Office of the Auditor-General	16,850 00	
Department of Finance	49,930 00	
Office of the Treasury Board	2,650 00	
Department of Inland Revenue	28,105 00	
do Customs	29,700 00	
do Postmaster-General	89,700 00	
do Agriculture	31,150 00	
do Marine and Fisheries	27,530 00	
do Public Works	53,830 00	
Departmental Contingencies	136,750 00	
Stationery Office for stationery	13,000 00	
To meet the possible amount required for new appointments by an extension of the Staff or any other change	10,000 00	
		637,615 00
ADMINISTRATION OF JUSTICE.		
Miscellaneous Justice, including North-West Territories	15,000 00	
Travelling expenses of Stipendiary Magistrates in North-West Territories	4,500 00	
Circuit Allowances, British Columbia	10,000 00	
do Manitoba	1,500 00	
Precis Writer of the Supreme Court of Canada and the Exchequer Court	1,900 00	
Clerk in the office of the Registrar of the Supreme Court of Canada and the Exchequer Court	525 00	
Senior Messenger of the Supreme Court of Canada and the Exchequer Court	500 00	
Second Messenger of the Supreme Court of Canada and the Exchequer Court	360 00	
Carried forward	34,285 00	723,215 00

SCHEDULE B.

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	34,283 00	723,215 00
ADMINISTRATION OF JUSTICE—*Concluded.*		
Contingencies and disbursements, including printing, binding and distributing Reports, Judges' travelling expenses; also, salaries of Officers (Sheriff, Usher, &c.,) in the Supreme and Exchequer Courts of Canada, and $150 for books for Judges	5,000 00	
Sundry Disbursements connected with the Maritime Court of Ontario, Seals for Court, Judges' travelling expenses, Court Books, &c	500 00	
Salary of Registrar of Vice-Admiralty Court, Quebec	666 66	
do Marshal of Vice-Admiralty Court, Quebec	333 34	
		40,785 00
POLICE.		
Dominion Police		12,000 00
PENITENTIARIES.		
Kingston	130,917 58	
St. Vincent	71,944 92	
St. John (balance to be applied to Dorchester Penitentiary when that penitentiary is opened)	27,708 56	
Halifax (balance to be applied to Dorchester Penitentiary when that penitentiary is opened)	19,806 50	
Manitoba	17,385 20	
British Columbia	16,145 55	
		283,908 31
LEGISLATION.		
SENATE.		
Salaries and contingent expenses of the Senate	51,518 00	
To meet expenditure in connection with Senate Hansard	3,000 00	
HOUSE OF COMMONS.		
Salaries, per Clerk's estimate	58,350 00	
Expenses of Committees, extra Sessional Clerks, &c	10,300 00	
Contingencies	19,600 00	
Publishing Debates	15,000 00	
Salaries and contingencies, per Sergeant-at-Arms' estimates	28,050 00	
MISCELLANEOUS.		
Grant to Parliamentary Library, including $3,000 for law books	7,000 00	
Salaries of officers (additional) and contingencies of Library	5,000 00	
Printing, binding and distributing the laws	12,000 00	
Printing, printing paper and bookbinding	70,000 00	
Contingencies of the Clerk of the Crown in Chancery	1,200 00	
Miscellaneous printing	2,000 00	
		283,018 00
Carried forward		1,342,926 31

SCHEDULE B.

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			1,342,926 31
ARTS, AGRICULTURE AND STATISTICS.			
To meet expenses in connection with the care of public archives		3,000 00	
To meet expenses in connection with the patent record		7,200 00	
To meet expenses in connection with preparation of criminal statistics		5,000 00	
To meet expenses in connection with the census		5,000 00	
To provide a grant to assist in giving to the forthcoming Ontario Exhibition (to be held at Ottawa) a Dominion character; the distribution of the grant, or any part thereof, to be applied and apportioned in such way as to satisfy the Minister of Agriculture		5,000 00	
			25,200 00
IMMIGRATION AND QUARANTINE.			
Salaries of Immigration Agents and employés		22,950 00	
Salaries of Travelling Agents		5,200 00	
Medical inspection, Port of Quebec		1,300 00	
Quarantine—Grosse Isle		9,566 00	
St. John, N.B		2,400 00	
Pictou, N.S		800 00	
Halifax, N.S		3,200 00	
Charlottetown, P.E.I		1,000 00	
To meet expenses of further precautionary measures for the public health, viz.:—			
Public health	5,000 00		
Cattle quarantine	10,000 00		
		15,000 00	
Contingencies of Canadian and other regular agencies		24,000 00	
Travelling expenses of Travelling Agents		7,000 00	
Towards assisting immigration and immigration expenses, including estimated expenses of transport of Mennonites		86,200 00	
			178,616 00
PENSIONS.			
John Bright, Messenger, House of Assembly		80 00	
Mrs. Antrobus		800 00	
NEW MILITIA PENSIONS.			
Mrs Caroline McEachern and four children	238 00		
Janet Anderson	110 00		
Margaret Mackenzie	80 00		
Mary Ann Richey and one child	288 00		
Mary Morrison	80 00		
Louise Prud'homme	110 00		
Virginie Charron and four children	150 00		
Paul M. Robins	146 00		
Charles T. Bell	73 00		
Alex. Oliphant	109 50		
Charles Lugsden	91 25		
Thomas Charters	91 25		
Charles T. Robertson	110 00		
Percy G. Routh	400 00		
Richard S King	400 00		
George A. Mackenzie	73 00		
Carried forward	2,550 00	880 00	1,546,742 31

SCHEDULE B.

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward..........	2,550 00	880 00	1,546,742 31
PENSIONS—*Concluded.*			
NEW MILITIA PENSIONS—*Concluded.*			
Edwin Hildor..........	146 00		
Fergus Scholfield..........	73 00		
John Bradley..........	109 50		
James Bryan..........	109 50		
Ensign W. Fahey..........	200 00		
Mary Connors..........	110 00		
Mary Hodgins and three children..........	191 00		
John Martin..........	110 00		
A. W. Stephenson..........	110 00		
Mrs. J. Thorburn..........	150 00		
Mrs. P. T. Worthington and three children..........	378 00		
Mrs. J. H. Elliott and children..........	130 00		
Ellen Kirkpatrick and three children..........	266 00		
Mrs. George Prentice and children..........	352 00		
Mary Hannah Tempest and child..........	298 00		
		5,283 00	
To meet the probable amount required for pensions to veterans of War of 1812..........		35,000 00	
Compensation to pensioners in lieu of land..........		7,000 00	
			48,163 00
MILITIA.			
ORDINARY.			
Salaries of Military Branch and District Staff..........		23,800 00	
Salaries of Brigade Majors..........		17,400 00	
Allowance for drill instruction..........	40,000 00		
Ammunition..........	25,000 00		
Clothing..........	50,000 00		
		115,000 00	
Military Stores..........		40,000 00	
Public armouries and care of arms, including storekeepers and caretakers, storemen, and the rents, fuel and light of public armouries		52,000 00	
Drill pay and all other incidental expenses connected with the drill and training of the Militia..........		175,000 00	
Contingencies and general service, not otherwise provided for, including assistance to Artillery and Rifle Associations and Bands of efficient corps..........		46,000 00	
Drill sheds and rifle ranges..........		10,000 00	
EXTRAORDINARY.			
Care and maintenance of military properties transferred from the Ordnance and Imperial Government, including rents..........		8,000 00	
Royal Military College..........		59,000 00	
Military schools and drill instruction in colleges..........		14,000 00	
Pay, maintenance and equipment of "A" and "B" Batteries, Garrison Artillery and Schools of Gunnery, at Kingston and Quebec..........		115,000 00	
Pay and maintenance of Guard at Rideau Hall..........		5,000 00	
SPECIAL.			
Ordnance and improved fire-arms..........		20,000 00	
			700,200 00
Carried forward..........		....	2,295,105 31

SCHEDULE B.

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			2,295,105 31
PUBLIC WORKS AND BUILDINGS			
(*Chargeable to Capital.*)			
RAILWAYS.			
Intercolonial, to Deep Water at St. John	100,000 00		
do Nut Locks	40,000 00		
do Estimated amount required for the purchase from the Grand Trunk Railway Company of their line of railway from River-du-Loup to Hadlow, except iron rails thereon, and for running powers between the Chaudière Junction and Point Lévis	1,500,000 00		
do Repairing and relaying above portion of railway with steel rails	375,000 00		
		2,015,000 00	
Pacific :—Canada Central Extension (subsidized)	1,000,000 00		
do Georgian Bay Branch (as under contract)	800,000 00		
do Fort William to English River	110,000 00		
do English River to Eagle River	800,000 00		
do do to Keewatin (Rat Portage)	1,100,000 00		
do Keewatin (Rat Portage) to Selkirk (Red River)	1,000,000 00		
do Engine House at Selkirk	30,000 00		
do Pembina Branch	150,000 00		
do Station Houses and Water Supply	80,000 00		
do British Columbia	600,000 00		
do Telegraph Lines and Roadway	140,000 00		
do Surveys	100,000 00		
do West of Red River, including Bridge and Branch to Winnipeg	1,000,000 00		
		6,910,000 00	
CANALS.			
Lachine		1,150,000 00	
Cornwall		140,000 00	
St. Lawrence		80,000 00	
Welland		2,000,000 00	
St. Anne's Lock and Canal		50,000 00	
Carillon Lock and Canal		300,000 00	
Grenville		200,000 00	
Culbute (improving approach to Canal)		12,000 00	
St. Peter's		90,000 00	
Miscellaneous		10,000 00	
PUBLIC BUILDINGS, OTTAWA.			
Grounds	3,000 00		
Extension of Western Block	5,000 00		
		8,000 00	
Total, chargeable to capital			12,965,000 00
PUBLIC WORKS AND BUILDINGS			
(*Chargeable to Income.*)			
IMPROVEMENT OF NAVIGABLE RIVERS.			
Improvement of Navigable Rivers	10,000 00		
St. Lawrence, removal of chains and anchors	12,000 00		
Neebish Rapids, River St. Mary, Lake Huron	9,000 00		
Removing Rock, Victoria, B.C	8,000 00		
Carried forward	39,000 00		15,260,105 31

SCHEDULE B.

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts
Brought forward	39,000 00	....	15,260,105 31
PUBLIC WORKS AND BUILDINGS—*Continued.*			
(*Chargeable to Income.*)			
IMPROVEMENT OF NAVIGABLE RIVERS—*Concluded.*			
Upper Fraser River, B.C.—Removal of rocks in Cottonwood Canyon	10,000 00		
Assiniboine River, between Winnipeg and Portage la Prairie—Removal of obstructions and construction of Dams	2,500 00		
		51,500 00	
PUBLIC BUILDINGS.			
Ontario.			
Ottawa Drill Shed	15,000 00		
Hamilton Post Office	1,500 00		
Windsor Post Office and Custom House	18,000 00		
Brantford public offices	12,000 00		
Kingston Military College and Fortifications	2,000 00		
Windsor Post Office and Custom House	4,000 00		
Quebec.			
Quebec and Lévis fortifications, including Dufferin improvements	40,000 00		
Durham Terrace Extension	15,000 00		
St. John's Post Office and Custom House	9,000 00		
New Brunswick.			
Custom House, St. John	100,000 00		
Savings Bank do	14,000 00		
Post Office do	89,500 00		
Fredericton Post Office	16,000 00		
Nova Scotia.			
Marine Hospital, Lunenburg	4,000 00		
Sydney, C.B., Quarantine Hospital	2,000 00		
North-West Territories.			
Public Buildings	10,000 00		
British Columbia.			
Public Buildings, repairs	5,000 00		
Custom House and Storehouse Wharf, Victoria	5,000 00		
Public Buildings generally	10,000 00		
		372,500 00	
Carried forward		424,000 00	15,260,105 31

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		424,000 00	15,260,105 31
PUBLIC WORKS AND BUILDINGS—*Continued.*			
(*Chargeable to Income.*)			
PENITENTIARIES.			
General Penitentiary for the Maritime Provinces	16,000 00		
St. Vincent de Paul	4,000 00		
Manitoba (drains, etc.)	3,000 00		
Kingston Penitentiary	3,000 00		
Manitoba and British Columbia—Heating	4,000 00		
Kingston, St. Vincent de Paul, Dorchester, Manitoba and British Columbia—For purchase of Babcock Fire Extinguishers	880 00		
		30,880 00	
RENTS, REPAIRS, &C.			
Rents, repairs, furniture, heating, &c	175,000 00		
Heating Public Buildings	40,000 00		
Removal of snow. Public Buildings, Ottawa	1,800 00		
Gas, Public Buildings, Ottawa	18,000 00		
Allowance for fuel and light, Rideau Hall	5,000 00		
		239,800 00	
HARBOURS AND BREAKWATERS.			
Ontario.			
Kincardine	5,000 00		
Toronto	10,000 00		
Collingwood Harbour	6,500 00		
Quebec.			
Lower St. Lawrence, repairing various breakwaters	10,000 00		
New Brunswick.			
St. John Harbour	5,000 00		
Point du Chêne—Shediac	4,000 00		
Nova Scotia.			
Annapolis River, Annapolis Co.	1,500 00		
Ragged Pond, Guysboro' Co	2,000 00		
Digby Co. (repairs)	2,000 00		
Trout Cove, Digby Co. (repairs)	1,000 00		
Cow Bay, Cape Breton	5,000 00		
West Arichat	4,000 00		
Lingan Harbour	2,000 00		
Carried forward	58,000 00	694,680 00	15,260,105 31

SCHEDULE B.

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	58,000 00	694,680 00	15,260,105 31
PUBLIC WORKS AND BUILDINGS—*Concluded.*			
(*Chargeable to Income.*)			
HARBOURS AND BREAKWATERS—*Concluded.*			
Prince Edward Island.			
Colville Bay, Souris	5,000 00		
New London	1,500 00		
Colville Bay	5,000 00		
General repairs, Maritime Provinces	10,000 00		
		79,500 00	
SLIDES AND BOOMS.			
Slides and Booms		15,600 00	
DREDGING.			
Dredge vessels	10,000 00		
Dredging	98,000 00		
		108,000 00	
MISCELLANEOUS.			
Miscellaneous works, not otherwise provided for	10,000 00		
Surveys and inspection	30,000 00		
Arbitration and awards	10,000 00		
Land and cable telegraph lines for the sea coasts and islands of the Lower River and Gulf of St. Lawrence and the Maritime Provinces, viz.:—			
Annual subsidy for cables to Anticosti and Magdalen Islands and land lines on the same (to be provided by Statute)	15 000 00		
For several land lines in the Maritime Provinces to join the lighthouses on prominent points to the telegraph system of Canada. Subsidy once for all	20,000 00		
		85,000 00	
Total, Chargeable to Income			982,780 00
OCEAN AND RIVER SERVICE.			
DOMINION STEAMERS.			
Maintenance and repairs of steamers "Napoleon III," "Newfield," "Druid," "Glendon," "Sir James Douglas" and "Northern Light"		125,000 00	
MAIL SUBSIDIES.			
Steam communication between Halifax and St. John *viâ* Yarmouth	10,000 00		
Steam communication on Lakes Huron and Superior	12,500 00		
Steam service between San Francisco and Victoria, British Columbia	54,000 00		
Steam communication with the Magdalen Islands	4,200 00		
Steam communication between Grand Manan Island, N.B., and mainland	1,500 00		
Carried forward	82,200 00	125,000 00	16,242,885 31

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	82,200 00	125,000 00	16,242,885 31
OCEAN AND RIVER SERVICE—*Concluded.*			
MAIL SUBSIDIES—*Concluded.*			
Subsidy to steamer between Campbellton, N.B., and Gaspé and intermediate ports	10,000 00		
To provide for nine months' subsidy to be granted, at the rate of $50,000 per annum, to line of steamers to trade between Canada and West Indies and Brazil (provided a like amount is paid by the Brazilian Government)	37,500 00		
To provide for subsidy for steam communication between Halifax and Cork	10,000 00		
For steam communication between Halifax, Cape Breton and Prince Edward Island	4,000 00		
For steam communication between Nova Scotia and St. Pierre	4,000 00		
		147,700 00	
To provide for the examination of Masters and Mates		4,250 00	
For purchase of life-boats, life-preservers and rewards for saving life		3,000 00	
To provide for investigations into wrecks and casualties, and collection of information relating to disasters to shipping		1,000 00	
Expenses in connection with Canadian registration of shipping		500 00	
Montreal Water Police		13,090 00	
River Police, Quebec		22,000 00	
Removal of obstructions in navigable rivers		500 00	
			317,040 00
LIGHTHOUSE AND COAST SERVICE.			
Salaries and allowances of lighthouse keepers		154,938 00	
Maintenance and repairs		272,505 00	
Completion and construction of lighthouses and fog alarms		40,000 00	
			467,443 00
FISHERIES.			
Salaries and disbursements of Fishery Overseers and Wardens:—			
Ontario	12,000 00		
Quebec	12,000 00		
Nova Scotia	15,000 00		
New Brunswick	10,500 00		
Prince Edward Island	3,000 00		
Manitoba	200 00		
British Columbia	1,000 00		
		53,700 00	
Fish-breeding, fish-ways and oyster beds		16,000 00	
Amount required to provide for building new fish-breeding establishments at Prince Edward Island and Cape Breton		5,000 00	
do do Quebec and New Brunswick		5,000 00	
do do for maintenance of same		3,000 00	
			82,700 00
Carried forward			17,110,068 31

SCHEDULE B.

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		....	17,110,068 31
SCIENTIFIC INSTITUTIONS.			
OBSERVATORIES.			
Observatory, Quebec		2,400 00	
do Toronto		4,800 00	
do Kingston		500 00	
do Montreal		500 00	
do New Brunswick		1,200 00	
Grant for Meteorological Observatories, including instruments and cost of telegraphing weather-warnings		37,000 00	
			46,400 00
MARINE HOSPITALS FOR SICK AND DISTRESSED SEAMEN.			
MARINE HOSPITALS.			
Marine and Immigrant Hospital, Quebec	20,000 00		
Montreal General Hospital and other ports in Quebec	4,000 00		
		24,000 00	
St. Catharines Hospital, Ontario	500 00		
Kingston do do	500 00		
		1,000 00	
Halifax General Hospital	3,500 00		
Other ports in Nova Scotia	11,250 00		
		14,750 00	
Hospital of St. John	4,000 00		
Other ports in New Brunswick	7,750 00		
		11,750 00	
Ports in British Columbia		4,000 00	
do Prince Edward Island		3,000 00	
EXPENSES OF SHIPWRECKED AND DISABLED SEAMEN.			
Province of Quebec		1,500 00	
do Nova Scotia		4,000 00	
do New Brunswick		1,000 00	
do British Columbia		500 00	
do Prince Edward Island		500 00	
To reimburse Board of Trade, London, for expenses incurred in connection with shipwrecked and distressed seamen of the Dominion		3,000 00	
			69,000 00
STEAMBOAT INSPECTION			
SALARIES, &C.			
Chairman		1,800 00	
Deputy Chairman		1,400 00	
Inspector, Toronto District		1,200 00	
do Montreal District		1,200 00	
do Three Rivers District		1,000 00	
do Quebec District		1,000 00	
do East Ontario District		1,000 00	
do British Columbia District		750 00	
do Manitoba District		100 00	
Carried forward		9,450 00	17,225,468 31

SCHEDULE B.

SCHEDULE B.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	9,450 00	17,225,468 31
STEAMBOAT INSPECTION—*Concluded.*		
SALARIES, &c.—*Concluded.*		
Travelling expenses of Chairman, and expenses in connection with steamboat inspection	900 00	
Travelling and incidental expenses of Inspector of New Brunswick and Nova Scotia	825 00	
Travelling expenses of Inspector of Toronto District, and contingencies of office	430 00	
Travelling expenses of Inspector, Three Rivers	125 00	
do do Quebec	150 00	
do do East Ontario	260 00	
do do Montreal	200 00	
do do Manitoba	100 00	
Rent of office, Montreal	250 00	
For purchase of instruments and steam gauges	200 00	
To provide travelling expenses, office rent, &c., of Inspector, British Columbia	500 00	
Engraving and printing Engineers' Certificates, and printing Steamboat Inspection Act in French	300 00	
		13,690 00
INSPECTION OF INSURANCE COMPANIES.		
To meet expenses in connection with the inspection of insurance companies	....	6,000 00
GEOLOGICAL SURVEY.		
Geological survey	....	50,000 00
INDIANS.		
Ontario and Quebec.		
Annual grant for Indians of Quebec	4,200 00	
Annual grant for purchase of blankets for aged and infirm Indians of Ontario and Quebec	1,600 00	
Annual grant for Indian schools in Ontario and Quebec, where most required	5,000 00	
Annual grant to bring up annuities payable under the *Robinson* Treaty to the Chippewas of Lakes Huron and Superior, from 96 cents to $4 per head	14,000 00	
To provide for grant for relief of Indians, Lake St. John	1,000 00	
To provide for grant for additional aid to Indian schools, Ontario, where most required	1,200 00	
Nova Scotia.		
Indians of Nova Scotia, relief, &c	4,500 00	
New Brunswick.		
Indians of New Brunswick, relief, &c	4,500 00	
Carried forward	36,000 00	17,295,158 31

SCHEDULE B.

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		36,000 00	17,295,158 31
INDIANS—*Concluded.*			
Prince Edward Island.			
Indians of Prince Edward Island, relief, &c		2,000 00	
Indians of British Columbia.			
Victoria Superintendency	13,363 00		
Fraser do	13.425 00		
Surveys and Reserve Commission	24,140 00		
		50,928 00	
Indians of Manitoba and the North-West.			
Annuities, Treaties 1 and 2		25,820 00	
do Treaty 3		15,025 00	
do do 4		38,125 00	
do do 5		15,775 00	
do do 6		50,170 00	
do do 7		41,625 00	
Commutation of annuities to possible claimants		1,000 00	
Agricultural implements, cattle, seed-grain, tools, waggons, ammunition, freighting, etc., furnished under Treaties 1 & 2		7,680 00	
do do do 3		3,200 00	
do do do 4		6,500 00	
do do do 5		4,540 00	
do do do 6		10,500 00	
do do do 7		12,000 00	
Provisions for Indians assembled to receive annuities, and also for relief accorded under Treaties		56.930 00	
Triennial supply of clothing under above Treaties		5,520 00	
Salaries of School Teachers, and cost of School Buildings		11,000 00	
Surveys for Indian Reserves		15,000 00	
Estimated amount required to provide for the erection of houses and farm buildings for the use of the Instructors in husbandry to be sent to the Indians in Manitoba		2,500 00	
Estimated amount required to provide for the erection of houses and farm buildings for the use of the Instructors in husbandry to be sent to the Indians in the North-West		15,000 00	
General expenses—			
Manitoba Superintendency		25,035 00	
North-West do		14,400 00	
Sioux, Manitoba and North-West		7,000 00	
To provide for the payment of Instructors in Agriculture in the North-West		11,250 00	
			484,523 00
NORTH-WEST MOUNTED POLICE.			
Pay of force, including staff		119,000 00	
Extra pay to farmers and artizans		3,500 00	
Rations		42,700 00	
Forage		45,700 00	
Fuel and light		5,000 00	
Clothing		22,000 00	
Repairs, renewals, replacement of horses, arms and ammunition; Miscellaneous stores		36,000 00	
Carried forward		273,900 00	17,779,681 31

SCHEDULE B.

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		273,900 00	17,779,681 31
NORTH-WEST MOUNTED POLICE—*Concluded.*			
Medicines and medical comforts		2,000 00	
Books and stationery		1,000 00	
Transport and freight charges, guides, teamsters and labourers		25,000 00	
Contingencies		3,000 00	
Buildings		4,000 00	
			308,900 00
MISCELLANEOUS.			
Canada Gazette		4,000 00	
Miscellaneous printing		10,000 00	
Unforeseen expenses: Expenditure thereof to be under Order in Council, and a detailed statement to be laid before Parliament during the first 15 days of the next Session		50,000 00	
Commutation in lieu of remission of Duties on articles imported for the use of the Army and Navy		12,000 00	
For the expenses of Government in the North-West Territories		17,000 00	
For the expenses of Government in the District of Keewatin		5,000 00	
To meet expenditure estimated to be required to put in force the Act respecting the traffic in Intoxicating Liquors		5,000 00	
			103,000 00
COLLECTION OF REVENUES.			
CUSTOMS.			
Salaries and Contingent Expenses of the several Ports.			
In Province of Ontario	221,195 00		
do Quebec	192,630 00		
do New Brunswick	92,575 00		
do Nova Scotia	105,795 00		
do Manitoba	12,500 00		
do North-West Territories	2,500 00		
do British Columbia	23,604 00		
do Prince Edward Island	25,270 00		
Salaries and travelling expenses of Inspectors of Ports, and travelling expenses of other officers on inspection	16,000 00		
Contingencies of Head Office, covering printing, stationery, advertising, telegraphing, &c., for the several ports of entry	15,000 00		
To meet probable expenditure in connection with the establishment of a Board of Experts, and Outside Service	10,000 00		
		717,069 00	
EXCISE.			
Salaries of Officers and Inspectors of Excise	175,240 00		
Travelling expenses, rent, fuel, stationery, &c.	35,000 00		
To pay Collectors of Customs allowance of duties collected by them	2,000 00		
Preventive Service	5,500 00		
Further required for Preventive and Outside Service	4,000 00		
		221,740 00	
Carried forward		938,809 00	18,191,581 31

SCHEDULE B.

SCHEDULE B.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		938,809 00	18,191,581 31
COLLECTION OF REVENUES—*Continued.*			
CULLING TIMBER.			
Quebec Office.			
1 Supervisor	2,000 00		
1 Deputy Supervisor and Book-Keeper	1,600 00		
1 Cashier	1,200 00		
3 Specification Clerks	1,900 00		
1 Messenger	400 00		
9 Specification Clerks, viz. :—1 at $1,000, 2 at $700, 4 at $600, and 2 at $500 (8 months)	5,800 00		
Assistant Book-Keeper	1,000 00		
Pay of Cullers	45,000 00		
Contingencies	4,000 00		
Montreal Office.			
1 Deputy Supervisor	800 00		
Book-Keeper } Specification Clerks }	1,000 00		
Pay of Cullers	2,500 00		
Contingencies	300 00		
		67,500 00	
WEIGHTS, MEASURES AND GAS.			
Salaries of Deputy Inspectors of Weights and Measures	40,800 00		
do Gas Inspectors	8,000 00		
Rent, fuel, travelling expenses, postage, stationery, &c.	23,500 00		
		72,300 00	
INSPECTION OF STAPLES.			
For the purchase and distribution of standards of flour, &c., and other expenditure under the Act		3,000 00	
ADULTERATION OF FOOD.			
To meet expenses under the Act		10,000 00	
PUBLIC WORKS.			
Maintenance and Repairs.			
Salaries and contingencies of canal officers	32,020 00		
Collection of slide and boom dues	20,545 00		
Repairs and working expenses, canals	281,700 00		
Repairs and working expenses, harbours and slides	62,900 00		
Intercolonial Railway	1,500,000 00		
do do Additional for working expenses	255,000 00		
Prince Edward Island Railway	230,000 00		
Carried forward	2,382,165 00	1,091,609 00	18,191,581 31

SCHEDULE B.

SCHEDULE B.—*Concluded.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	2,382,165 00	1,091,609 00	18,191,581 31
COLLECTION OF REVENUES—*Concluded.*			
PUBLIC WORKS—*Concluded.*			
Maintenance and Repairs—Concluded.			
Telegraph lines, British Columbia (including subsidy).	36,000 00		
Telegraph lines between Prince Edward Island and the mainland	2,000 00		
Agent and contingencies, British Columbia	4,000 00		
Rebuilding superstructure of north-west pier, Burlington Bay Canal, destroyed by fire	12,000 00		
For necessary repairs to the north-eastern side of canal basin, Rideau Canal, Ottawa	4,000 00		
		2,440,165 00	
POST OFFICE.			
For Ontario	777,000 00		
Quebec	476,000 00		
New Brunswick	163,000 00		
Nova Scotia	192,000 00		
Prince Edward Island	46,000 00		
British Columbia	67,000 00		
North-West Territory	15,000 00		
Manitoba	22,000 00		
Amount required to maintain increased frequency of steam communication with Magdalen Islands and between Magdalen Islands and Gaspé	3,600 00		
		1,761,600 00	
DOMINION LANDS.			
Surveys of lands, Manitoba and the north-west (including commission, staff, land agencies, rent, stationery, &c., &c	90,000 00		
Additional amount required for township sub-divisions, inspection of same, and surveys of timber berths	27,500 00		
		117,500 00	
MINOR REVENUES.			
To defray expenses connected with minor revenues		10,000 00	
			5,420,874 00
Total			23,612,455 31

CHAP.

CHAP. 2.

An Act to provide for the payment of an additional temporary grant to the Province of Manitoba.

[*Assented to* 15*th May*, 1879.]

Preamble.

WHEREAS, from the circumstances stated in the minute of the Governor in Council, bearing date the eighteenth April, one thousand eight hundred and seventy-nine, laid before Parliament during the present Session, it appears that it is expedient that Canada should make to the Province of Manitoba an additional temporary annual grant sufficient to raise the yearly revenue of the Province, derivable from Canada, to one hundred and five thousand six hundred and fifty-three dollars and four cents: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Additional temporary subsidy to Manitoba.

. Manitoba shall receive from Canada, in addition to the subsidy now payable under the Act in that behalf, and in addition to the sum payable under the authority of the first section of the Act, chapter three, thirty-ninth Victoria, a further annual grant of fifteen thousand six hundred and fifty-three dollars and four cents, being the sum required to raise the revenue of the Province derivable from Canada to the amount aforesaid; the said additional grant to be payable by half-yearly instalments, and to commence and be reckoned from the first day of July, one thousand eight hundred and seventy-nine, and to continue until the end of the year one thousand eight hundred and eighty-one.

How payable, and for how long.

Out of Con. Rev. Fund.

The sums payable under this Act shall be a charge upon and payable out of the Consolidated Revenue Fund of Canada.

CHAP.

CHAP. 3.

An Act to provide for the salary of one additional Judge of the Supreme Court of New Brunswick, and for the Salary of any future Judge in Equity of the Supreme Court of Nova Scotia.

[*Assented to* 15*th May*, 1879.]

Preamble.

WHEREAS, by an Act passed by the Legislature of the Province of New Brunswick in the year 1879, intituled "*An Act relating to the Supreme Court,*" provision is made for the appointment of a Judge in Equity of the Supreme Court of New Brunswick, in addition to the number of judges now authorized to be appointed to that court, and it is expedient to make provision for the salary of such additional Judge: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Salary of additional Judge, N.B.

1. The salary of such additional Judge of the Supreme Court of New Brunswick shall be four thousand dollars per annum, and shall be payable out of any moneys forming part of the Consolidated Revenue Fund of Canada.

Salary of any future Judge in Equity of Supreme Court, N.S. Act 36 V., c. 31, s. 6, amended.

2. After the present Judge in Equity of the Supreme Court of Nova Scotia ceases to hold such office, the salary of the Judge in Equity of the Supreme Court of Nova Scotia shall be four thousand dollars per annum; and the Act thirty-sixth Victoria (1873), chapter thirty-one, section six, is hereby amended accordingly.

CHAP. 4.

An Act respecting the salaries of the County Court Judges of Prince Edward Island.

[*Assented to* 15*th May*, 1879.]

Preamble.

WHEREAS, in the Provinces of Ontario, New Brunswick and Nova Scotia, the salary of each County Court Judge (except those of the County of York, in Ontario, the County of St. John, in New Brunswick, and the County of Halifax, in Nova Scotia) is two thousand dollars per annum for the first three years of service, and two thousand four hundred dollars per annum thereafter, the salary of each of the Judges of the said Counties of York, St. John and Halifax being two thousand four hundred dollars per annum from

from the time of appointment; and whereas the salaries of the County Court Judges in Prince Edward Island, as provided by the Act thirty-seven Victoria (1874), chapter four, section two, are to be not less than one thousand dollars and not more than two thousand dollars per annum each, as may be fixed by the Governor in Council; and whereas it is expedient to provide that the salaries of the County Court Judges in Prince Edward Island be placed on the same scale as those of the said other County Court Judges: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The salaries of each of the three County Court Judges in Prince Edward Island shall be two thousand dollars per annum for the first three years of service as such judge, and after the period of three years' service as such judge the salary of such judges shall be two thousand four hundred dollars per annum. **Salaries of County Judges in P.E.I. fixed. And after three years' service.**

2. Such of the present County Court Judges of Prince Edward Island as have already served three years or more as such judge, shall be entitled to two thousand four hundred dollars per annum, commencing from the first day of May, A.D. 1879. **As to present Judges having three years' service or more.**

CHAP. 5.

An Act for granting an annual subsidy towards the construction and maintenance of Telegraphic Communication to and upon Anticosti and the Magdalen Islands.

[*Assented to* 15*th May*, 1879.]

TO the end that better provision may be made for the safety of life and property in vessels navigating the River and Gulf of St. Lawrence, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— **Preamble.**

1. A sum not exceeding fifteen thousand dollars in any one year, may be paid annually, from and after the first day of July, one thousand eight hundred and seventy-nine, out of the Consolidated Revenue Fund of Canada, as a subsidy towards the construction and maintenance of lines of submarine and land lines of electric telegraph to and upon Anticosti and the Magdalen Islands, under arrangements to be made by the Governor in Council; and the due application of such sum shall be accounted for in the manner by the law provided. **$15,000 yearly granted. Account to be rendered.**

CHAP

CHAP. 6.

An Act to amend "An Act to provide for more effectual inquiry into the existence of Corrupt practices at Elections of Members of the House of Commons."

[*Assented to* 15*th May*, 1879.]

Preamble.
39 V., c. 10.

WHEREAS it is expedient to amend the Act intituled "*An Act to provide for more effectual enquiry into the existence of Corrupt Practices at Elections of Members of the House of Commons*," by requiring security to be given to meet the expenses of the enquiry in certain cases as hereinafter provided: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 3, amended.

Petitioner must deposit $1,000 with the Accountant.

1. The person or persons presenting a petition to the House of Commons under the provisions of the third section of the Act hereby amended, shall deposit with the Accountant of the House the sum of one thousand dollars, and such petition shall not be received by the House of Commons unless such deposit shall have first been made; and to the said petition on its presentation there shall be attached a certificate, given under the hand of the said Accountant, certifying that the said deposit of one thousand dollars has been duly made.

Application of the money if the petitioner fails.

2. Whenever, by the report of the Commissioner or Commissioners appointed to investigate and inquire into the matters set forth in such petition, it appears that the petition was not well founded, and that corrupt practices had not extensively prevailed within the electoral district referred to in the petition, at the election referred to therein, then the said sum of one thousand dollars or so much thereof as is required for the purpose, shall be applied to pay the expenses of the enquiry, and the balance remaining after paying such expenses shall be paid to the person or persons making such deposit.

Money to be returned to him if he succeeds.

3. Whenever by the report of the Commissioner or Commissioners appointed to investigate and inquire into the matters set forth in such petition, it appears that the petition was well founded and that corrupt practices had extensively prevailed within the electoral district referred to in the petition, at the election referred to therein, then the said sum of one thousand dollars shall be paid back to the person or persons depositing the same.

CHAP.

CHAP. 7.

An Act respecting the offices of Receiver-General and Minister of Public Works.

[*Assented to* 15*th May*, 1879.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The following provisions of this Act shall come into and be in force on and after a day to be fixed by proclamation under an order of the Governor in Council. When this Act shall come into force.

2. The Department of the Receiver-General shall no longer be a separate Department of the Civil Service of Canada; and the office of Receiver-General shall no longer be held by a separate member of the Government of Canada, but the Minister of Finance shall be also *ex-officio* Receiver-General, and shall as such, in addition to those of the Minister of Finance, have the powers and be charged with the duties which the Receiver-General now has or is charged with; and he shall have and be charged with such other duties generally as may be assigned to him from time to time by the Governor in Council; his name of office shall be "Minister of Finance and Receiver-General;" and the expression "Minister of Finance" or "Receiver-General," in the Act passed in the forty-first year of Her Majesty's reign, and intituled "*An Act to provide for the better auditing of the Public Accounts,*" or in any other Act or document, shall hereafter be construed and have effect as meaning the "Minister of Finance and Receiver-General." Department of Receiver-General merged in that of Minister of Finance. Duties and name of office. How terms in former Acts shall be construed.

3. The Deputy of the Minister of Finance shall, in addition to his present powers and duties, have the powers and be charged with the duties which the Deputy of the Receiver-General now has and is charged with, and shall be the Deputy of the Minister of Finance and Receiver-General, and the expression "Deputy Minister of Finance," or the expression "Deputy Receiver-General," in the Act last above cited, or in any such Act or document as aforesaid shall be construed and have effect as meaning the Deputy of the Minister of Finance and Receiver-General, and the separate office of Deputy Receiver-General is abolished. Duties of Deputy of Minister of Finance. Separate office of D.-R.-G. abolished.

4. The present Department of Public Works shall be divided into two departments, to be presided over and managed by two Ministers, each of whom shall be appointed by commission under the Great Seal of Canada, shall be a member of the Present Department of Public Works divided into two.

the Queen's Privy Council for Canada, and shall hold office during pleasure; one of the said Ministers shall be designated as the "Minister of Railways and Canals," and the other as the "Minister of Public Works."

Official name of each Minister.

Department of Minister of Railways and Canals.

5. The Minister of Railways and Canals shall have the management, charge and direction of all railways and works and property appertaining or incident thereto, and of all canals, and works and property appertaining or incident thereto, which are or may be immediately before the coming into force of this Act, under the management and direction of the Department of Public Works, and to the same extent and under the same provisions, subject to those of this Act: and the Minister of Public Works shall have the management, charge and direction of all other public works and property which are or may be at the time aforesaid under the management and direction of the Department of Public Works, and to the same extent and under the same provisions, subject to those of this Act: and each of the said Ministers and the officers acting under him, shall as respects the works under his charge and direction and subject to this Act, have all the powers and duties which at the time aforesaid are or may become vested in or assigned to the Minister or Department of Public Works, and the officers acting under him or it, as to such works respectively and shall be deemed their successors in office, and shall be substituted for them respectively, and shall continue and complete any act or proceeding commenced by the now existing Department with respect to such works: Provided always, if at any time doubt should arise as to the Department to which any public work belongs under this Act, the question shall be decided by an Order of the Governor in Council, and the works and property which shall belong to either department may, from time to time, be determined in like manner; and any such order may determine by which department any power now vested in the now existing Department shall be exercised. And the Governor in Council may, at any time and from time to time, by proclamation, transfer from the Department of Marine and Fisheries to the Department of Public Works, the construction and repair of light-houses.

Department of Minister of Public Works.

Powers and duties of Minister and officers of each Department.

Proviso: powers of Governor in Council in case of doubt.

Provision for transfer of lighthouses to Public Works.

Assignment of duties to officers by Governor in Council.

6. The Governor in Council may, from time to time, assign any of the several officers and employees of the present Department, respectively, to either of the departments thereof hereby constituted, or may direct any one or more of the officers of the present Department to act as an officer of both departments hereby constituted under the direction of each of the said Ministers as respects the works under his management.

Deputy and officers of

7. For each of the said departments the Governor may appoint a Deputy of the Minister, who shall be the chief officer

officer of that Department over which the Minister is to preside, a Secretary for such department, and one or more Chief Engineers, a Chief Architect, and such other officers as may be necessary for the proper conduct of the business of such Department, all of whom shall hold office during pleasure: Provided that in case of the absence or inability to act of the Secretary, the Minister may in writing authorize some other officer of the Department to act for the time in his stead.

each department.

Proviso.

8. It shall be the duty of each Deputy, and he shall have authority (subject always to the Minister) to oversee and direct the other officers and servants attached to or employed in the business of that department for which he is appointed; he shall have the general control of the business of that department, and such other powers as may be assigned to him by the Governor in Council, and in the absence of the Minister, and during such absence, may suspend from his duties any officer or servant attached to such department, who refuses to obey his directions as such Deputy.

Duties and powers of the Deputy of the Minister.

9. It shall be the duty of each Secretary, unless otherwise directed in any case by the Minister, to keep separate accounts of the moneys appropriated for and expended on each public work or building under the management of the Minister of the department for which he is the Secretary; to submit such accounts to be audited in such manner as may be appointed by law, or by the Governor in Council; to have charge of all plans, contracts, estimates, documents, titles, models, and other like things relating to any such work or building; to keep proper accounts with each contractor or other person employed by or under the department for which he is Secretary; to see that all contracts are properly drawn out and executed; to prepare all certificates upon which any warrant is to issue; to keep minutes of all proceedings of the department; to prepare reports and to conduct, under the direction of the Minister, the correspondence of the department; and generally to do and perform all such acts and things pertaining to the business of the department as he may, from time to time, be directed to do and perform by the Minister; and a copy of any map, plan or other document in the custody of the Secretary, certified by him as a true copy, shall be held to be authentic, and shall be *primâ facie* of the same legal effect as the original in any court or elsewhere.

Duties of Secretary of each Department.

Contracts.

Reports.

Effect of Secretary's certificate.

10. It shall be the duty of each Chief Engineer, or Chief Architect to prepare maps, plans and estimates for all public works which are about to be constructed, altered or repaired by, or under the management of the Minister of the department to which he is attached; to report for the information of the Minister, on any question relating to any such public

Duties of Chief Engineer and Chief Architect.

work which may be submitted to him; to examine and revise the plans, estimates and recommendations of other engineers, architects and officers touching any such public work, and generally to advise the Minister on all engineering or architectural questions affecting any such work: Provided always, that two or more persons may be appointed, each of whom shall act as Chief Engineer of either branch of the Department of Railways and Canals, with respect to such works, or classes of works, as the Governor in Council may from time to time direct.

Proviso: as to Chief Engineers.

What writings shall bind the Department.

11. No deed, contract, documents or writing shall be deemed to be binding upon either Department, or be held to be the act of the Minister of such department, unless signed and sealed by him or his Deputy and countersigned by the Secretary, or person authorized to act for him as aforesaid.

Interpretations of expressions in former Acts or documents. 31 V., c. 12.

12. The expression "the Department" or "the Minister" or "The Minister of Public Works" in the Act intituled "*An Act respecting the Public Works of Canada,*" or in any other Act or document, shall be construed as meaning that department, or the Minister of that department, charged with the management of the work with respect to which the power or duty mentioned in the provision in which such expression occurs, is to be exercised or performed; and either of the said Ministers may administer the oath of office to the official arbitrators or any of them; and generally the said Act and all other Acts and all documents, and the expressions used therein, shall be so construed as to give full effect to the provisions of this Act according to the intent thereof.

Administering oath of office, &c.

Act 41 V., c. 5, amended.

13. The second and third sub-sections of the first section of the Act passed in the forty-first year of Her Majesty's reign, intituled "*An Act further securing the Independence of Parliament,*" shall be respectively amended by striking out the words "Receiver-General," where they now occur therein, and inserting the words "and Receiver-General" after the words "Minister of Finance," where they occur therein, and by inserting after the words "Minister of the Interior," the words "Minister of Railways and Canals:" and no person being then a Minister of the Crown, and a member of the House of Commons, shall vacate his seat therein by reason of his accepting any office under this Act, within one month from the coming into force of this section: And the second section of the Act passed in the thirty-sixth year of Her Majesty's reign, intituled "*An Act for the re-adjustment of the salaries and allowances of the Judges and other public functionaries and officers, and of the indemnity to the Members of the Senate and House of Commons,*" shall be amended by inserting after the words "The Minister of Finance"

Act 36 V., c. 31, amended.

Finance" the words "and Receiver General," and by striking out the words and figures "The Receiver General, $7,000," and by inserting immediately after the words and figures "Minister of Finance $7,000," the words and figures "The Minister of Railways and Canals, $7,000," and the expression "Minister of Public Works," in the said Acts shall mean the Minister of the Department of Public Works hereby constituted.

14. The Minister of Justice shall hereafter be a member of the Treasury Board in the room and stead of the Receiver General. **Minister of Justice to be a Member of Treasury Board.**

15. The first seven sections of the Act passed in the thirty-first year of Her Majesty's reign, intituled "*An Act respecting the Public Works of Canada,*" and so much of the Acts hereinbefore cited, or of any other Act or law, as may be inconsistent with this Act, are and is hereby repealed. **First 7 sections of 31 V., c. 12, repealed; and inconsistent enactments.**

CHAP. 8.

An Act respecting the Official Arbitrators.

[*Assented to* 15*th May*, 1879.]

WHEREAS it is desirable to place all references to the Official Arbitrators under the Act respecting the Public Works of Canada, and all the proceedings thereon and connected therewith, under the review of the Exchequer Court of Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— **Preamble.**

1. Section forty-four of the Act thirty-first Victoria, chapter twelve, intituled "*An Act respecting the Public Works of Canada,*" is hereby amended by striking out the words "from which decision and award there shall be no further "appeal whatever," at the end of the said section. **Section 44, 31 V., c. 12, amended.**

2. The Exchequer Court of Canada shall have appellate jurisdiction over all cases of arbitration arising under the Act last above cited, and the Acts amending the same, when the claim exceeds in value the sum of five hundred dollars according to the *bonâ fide* belief of the party or parties complaining of such arbitration as shown on affidavit. **Appellate jurisdiction of Exchequer Court in certain arbitration cases.**

3. In any such case the submission, whether compulsory or by consent, may be made a rule of the said court upon motion and affidavits setting forth the facts. **Submission may be made a rule of Court.**

Powers of the Court in such cases.

4. The court shall have power at any time and from time to time to set aside the award made and to remit the matters referred, or any or either of them, to the re-consideration and re-determination of the arbitrators as the case may require, upon such terms as to costs or otherwise as the court shall deem proper.

Time for application to Court limited.

Proviso.

5. All applications to set aside any award made, or to have the matter thereof remitted for re-consideration, shall be made within three months after the publication of the award and notice to the parties: Provided that the time of the vacations of the court shall not be counted as part of such time.

Court may make final order and determination in the case.

Its effect.

6. The court may, if they think proper, upon the evidence taken before the arbitrators, or upon the same and any further evidence which they may order to be adduced before them, make such final order and determination of the matters referred as they shall deem just and right between the parties; and such final order and determination shall be ordered to be performed and shall be enforced by the court, and the same shall be taken and dealt with as a final award under the authority of the said "*Act respecting the Public Works of Canada.*"

Deposit required as security for costs.

7. No application shall be entertained by the court to set aside any award made, or to remit the subject-matter thereof for re-consideration, until a deposit of fifty dollars shall have been paid to the Registrar of the court as security for any costs that may be incurred, to be subject to the order of the court.

Court may exercise certain powers.

8. The court shall have and may exercise all the powers contained in the Supreme and Exchequer Court Acts, which according to the nature of the case are applicable to cases of reference under this Act.

Appeal to Supreme Court.

9. An appeal shall lie from the Exchequer Court to the Supreme Court from all judgments, orders, rules and decisions in like cases and upon the same terms and conditions as are provided in the Supreme and Exchequer Court Acts.

Costs, and enforcement of orders.

10. All costs, whether for or against the claimant or claimants, or for or against the Crown, shall be in the order and discretion of the court, and are to be taxed and allowed by its proper officer, and all judgments, orders, and decisions of the court shall be enforced by its process.

CHAP. 9.

An Act to amend and consolidate "The Railway Act, 1868," and the Acts amending it.

NOTE.—The date in the margin opposite any provision, is the year in which it was made by this Act (1879) or by *An Act amending that of* 1868 and repealed by s. 102 of this Act.

[*Assented to* 15*th May*, 1879.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— Preamble.

1. In citing this Act, it shall be sufficient to use the expression " *The Consolidated Railway Act*, 1879." Short title, 1879.

APPLICATION OF ACT.

2. The provisions of this Act from section five to section thirty-four, both inclusive, being Part First of this Act, shall apply to the Intercolonial Railway constructed under the authority of the Act of the Parliament of Canada, passed in the thirty-first year of Her Majesty's reign, and intituled "*An Act respecting the construction of the Intercolonial Railway*," so far as they are applicable to the undertaking and in so far as they are not inconsistent with or contrary to the provisions of the said Act or any other Act respecting it : Application of the several parts of this Act. 31 V., c. 13.

2. The said sections shall also apply to every railway constructed or to be constructed under the authority of any Act passed by the Parliament of Canada, and shall, so far as they are applicable to the undertaking, and unless they are expressly varied or excepted by the Special Act, be incorporated with the Special Act, form part thereof, and be construed therewith as forming one Act. The same.

3. For the purpose of excepting from incorporation with the Special Act any of the sections forming Part First of this Act, it shall be sufficient in the Special Act to enact, that the sections of this Act proposed to be excepted, referring to them by the words forming the headings of such sections respective y, shall not be incorporated with such Act, and the Special Act shall thereupon be construed accordingly. How any section may be excepted from incorporation with any Special Act.

4. The provisions of this Act from section thirty-four to section ninety-eight both inclusive, being Part Second, shall apply to the Intercolonial Railway, in so far as they are not varied by, or inconsistent with the Special Act respecting it, to all railways constructed by the Government of Canada, To what Railways the other provisions of this Act shall apply.

or

or being or having become the property of the Dominion of Canada, in or since the year 1868, in so far as they are not inconsistent with any Special Act respecting them, and to all railways which have been in or since the said year, or which may be hereafter constructed under the authority of or made subject to any Special Act passed by the Parliament of Canada, and to all companies incorporated for their construction and working, subject always to any provision hereinafter made as to the application of any section or provision of either part of this Act to any Province, place or railway, or as to the time from which it is to be held as so applying.

Subject to provisions of this Act. 1879.

PART FIRST.

INTERPRETATION.

Interpretation of words "the Special Act."

5. 1. The expression "the Special Act," used in this Act shall be construed to mean any Act authorizing the construction of a railway, with which this Act or "*The Railway Act*, 1868," is incorporated :

"Prescribed."

2. The word "prescribed," used in this Act in reference to any matter herein stated, shall be construed to refer to such matter, as the same is prescribed or provided for in the Special Act ; and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the Special Act" had been used :

"The Lands."

3. The expression "the lands" shall mean the lands which by the Special Act are authorized to be taken or used for the purpose thereof:

"The undertaking."

4. The expression "the undertaking" shall mean the railway and works, of whatever description, by the Special Act authorized to be executed :

In this and the Special Act.

5. The following words and expressions, both in this and the Special Act, shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction, that is to say :

"Lands."

6. The word "Lands" shall include all real estate, messuages, lands, tenements and hereditaments of any tenure :

"Lease."

7. The word "Lease" shall include any agreement for a lease :

"Toll."

8. The word "Toll" shall include any rate or charge or other payment payable under this Act or the Special Act for any passenger, animal, carriage, goods, merchandise, matters or things conveyed on the railway :

"Goods."

9. The word "Goods" shall include things of every kind that may be conveyed upon the railway, or upon steam or other vessels connected therewith :

10.

10. The word "County" shall include any union of counties, county, riding, or like division of a county in any Province, or any division thereof into separate municipalities in the Province of Quebec: "County."

11. The word "Highways" shall mean all public roads, streets, lanes, and other public ways and communications: "Highways."

12. The word "Sheriff" shall include Under Sheriff, or other legal competent Deputy; and where any matter in relation to any lands is required to be done by any Sheriff or Clerk of the Peace, the expression "the Sheriff," or the expression "Clerk of the Peace," shall in such case be construed to mean the sheriff or clerk of the peace of the district, county, riding, division, or place where such lands are situate; and if the lands in question, being the property of one and the same party, be situate not wholly in one district, county, riding, division, or place, the same expression shall be construed to mean the Sheriff or Clerk of the Peace of any such district, county, riding, division or place where any part of such lands are situate: "Sheriff." "Clerk of the Peace."

13. The word "Justice" shall mean a Justice of the Peace acting for the district, county, riding, division, city or place where the matter requiring the cognizance of a justice arises, and who is not interested in the matter; and where the matter arises in respect of lands being the property of one and the same party, situate not wholly in any one district, county, riding, division, city or place, the word "Justice" shall mean a justice acting for the district, county, riding, division, city or place where any part of such lands are situate, and who is not interested in such matter; and where any matter is authorized or required to be done by two Justices, the expression "two Justices" shall be understood to mean two justices assembled and acting together: "Justice." "Two Justices."

14. The word "owner," where, under the provisions of this Act or the Special Act, any notice is required to be given to the owner of any lands, or where any act is authorized or required to be done with the consent of the owner shall be understood to mean any corporation or person who, under the provisions of this Act, or the Special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the company: "Owner."

15. The expression "the Company" shall mean the company or party authorized by the Special Act to construct the railway: "The Company."

16. The expression "the Railway" shall mean the railway and the works by the Special Act authorized to be constructed. "The Railway."

INCORPORATION.

INCORPORATION.

Companies established under Special Acts, declared to be bodies corporate, &c.

31 V., c 1.

6. Every Company established under any Special Act shall be a body corporate under the name declared in the Special Act, and shall be vested with all the powers, privileges and immunities necessary to carry into effect the intentions and objects of this Act and of the Special Act therefor, and which are incident to such corporation, or are expressed or included in "*The Interpretation Act.*"

POWERS.

Powers.

7. The Company shall have power and authority,—

To receive grants of land, &c.;

1. To receive, hold and take all voluntary grants and donations of land or other property made to it, to aid in the construction, maintenance and accommodation of the railway; but the same shall be held and used for the purpose of such grants or donations only;

To purchase land;

2. To purchase, hold and take of any corporation or person any land or other property necessary for the construction, maintenance, accommodation and use of the railway, and also to alienate, sell or dispose of the same:

To occupy public lands, beaches, &c., with consent of the Crown.

3. No railway company shall take possession of, use or occupy any lands vested in Her Majesty, without the consent of the Governor in Council; but with such consent any such company may take and appropriate for the use of their railway and works, but not alienate, so much of the wild lands of the Crown lying on the route of the railway, as have not been granted or sold, and as may be necessary for such railway, as also so much of the public beach, or of the land covered with the waters of any lake, river, stream or canal, or of their respective beds, as is necessary for making and completing and using their said railway and works, subject, however, to the exceptions contained in the next following sub-section:

As to lands belonging to Her Majesty, &c.

4. Whenever it is necessary for the company to occupy any part of the lands belonging to the Queen, reserved for naval or military purposes, they shall first apply for and obtain the license and consent of Her Majesty, under the hand and seal of the Governor, and having obtained such license and consent, they may at any time or times enter into and enjoy any of the said lands for the purposes o the railway; but in the case of any such naval or military reserves, no such license or consent shall be given except upon a report first made thereupon by the naval or military authorities in which such lands are for the time being vested, approving of such license and consent being so given:

5.

5. The company shall have power and authority to make, carry or place the railway across or upon the lands of any corporation or person on the line of the railway, or within the distance from such line stated in the Special Act, although, through error or other cause, the name of such party has not been entered in the Book of Reference hereinafter mentioned, or although some other party has been erroneously mentioned as the owner of or entitled to convey, or is interested in such lands:

Power to carry Railway across lands of corporations, and others;

6. To construct, maintain and work the railway across, along, or upon any stream of water, water-course, canal, highway or railway which it intersects or touches; but the stream, water-course, highway, canal or railway so intersected or touched, shall be restored by the company to its former state, or to such state as not to impair its usefulness:

And across or along streams &c.

Proviso.

7. To make, complete, alter and keep in repair the railway, with one or more sets of rails or tracks, to be worked by the force and power of steam, or of the atmosphere, or of animals, or by mechanical power, or by any combination of them;

To complete Railway with one or more tracks, &c.;

8. To erect and maintain all necessary and convenient buildings, stations, depôts, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to purchase and acquire stationary or locomotive engines and carriages, waggons, floats and other machinery necessary for the accommodation and use of the passengers, freight and business of the railway;

To erect necessary buildings, wharves, &c.

9. To make branch railways, if required and provided by the Special Act, and to manage the same, and for that purpose to exercise all the powers, privileges and authorities necessary therefor, in as full and ample a manner as for the railway;

Branch Railways;

10. To construct and make all other matters and things necessary and convenient for the making, extending and using of the railway, in pursuance of this Act, and of the Special Act;

All other matters and things necessary for Railway;

11. To take, transport, carry and convey persons and goods on the railway, to regulate the time and manner in which the same shall be transported, and the tolls and compensation to be paid therefor, and to receive such tolls and compensation;

To convey persons and goods on Railway;

12. To borrow from time to time, either in Canada or elsewhere, such sums of money as may be expedient for completing, maintaining or working the railway, and at a rate of interest not exceeding eight per cent. per annum, and to make the bonds, debentures or other securities granted for the

To borrow money, &c.

To issue bonds, debentures, &c., pledging Company's property.

the sums so borrowed, payable either in currency or in sterling, and at such place or places within Canada, or without, as may be deemed advisable, and to sell the same at such prices or discount as may be deemed expedient, or be necessary, and to hypothecate, mortgage or pledge the lands, tolls, revenues and other properties of the company for the due payment of the said sums and the interest thereon, but no such debenture shall be for a less sum than one hundred dollars;

To enter upon lands, &c., for survey.

13. To enter into and upon any lands of Her Majesty without previous license therefor, or into and upon the lands of any corporation or person whatsoever lying in the intended route or line of the railway; and to make surveys, examinations, or other necessary arrangements on such lands necessary for fixing the site of the railway, and to set out and ascertain such parts of the lands as are necessary and proper for the railway;

To remove trees.

14. To fell or remove any trees standing in any woods lands or forests, where the railway passes, to the distance of six rods from either side thereof:

To cross or unite with other Railways.

15. To cross, intersect, join and unite the railway with any other railway at any point on its route, and upon the lands of such other railway, with the necessary conveniencies for the purposes of such connection; and the owners of both railways may unite in forming such intersection, and grant the facilities therefor; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossing and connection, the same shall be determined by arbitrators to be appointed by a judge of one of the superior courts in the Province in which the point of junction or intersection is situated:

But not without application to the Railway Committee under sect. 35.

16. But no railway company shall avail itself of any of the powers contained in the next preceding sub-section without application to the Railway Committee constituted under the thirty-fifth section of this Act, for approval of the mode of crossing, union or intersection proposed; of which application, notice in writing shall be given to any other railway affected, by sending the same by mail or otherwise, to the address of the president, superintendent, managing director or secretary of any such railway company, and when such approval has been obtained, it shall be lawful for either railway, in case of disagreement as to the amount to be paid for compensation, to proceed for the determination of such compensation as provided in the said sub-section; and this sub-section and the next preceding it shall extend and apply to a railway incorporated under any Act of a Provincial Legislature, in any case in which it is proposed that such railway shall cross, intersect, join or unite

As to Provincial Railways. 1877.

unite with a railway under the legislative control of Canada:

17. Any railway company may construct a branch or branches not exceeding six miles in length from any terminus or station of their railway, whenever a by-law sanctioning the same has been passed by the municipal council of the municipality within the limits of which such proposed branch is situate; and no such branch shall, as to the quality and construction of the road, be subject to any of the restrictions contained in the Special Act or in this Act, nor shall any thing in either of the said Acts authorize the company to take for such branch any lands belonging to any party without the consent of such party first obtained: **Any Railway Company may construct branch Railways on certain conditions.**

18. For the purpose of connecting any city, town, village, manufactory or manufactories, mine or mines, or any quarry or quarries of stone or slate, or any well or spring, with the main line of the railway of the company, or with any branch thereof, or with any railway worked or leased by the company; and for the purpose of giving increased facilities to business, or for the purpose of transporting the products of any such manufactory, mine, quarry, well or spring, it shall be lawful for the company to build, make and construct, and to work and use, sidings, switches or branch lines of railway, not to exceed in any one case six miles in length: Provided always, that the company shall not proceed to locate or build any branch line of more than one quarter of a mile in length, under this section of this Act, until public notice shall have been given for six weeks in some newspaper published in the county or counties through or in which such branch line is to be made, that it is the intention of the company to apply to the Governor in Council to sanction the building of such branch line, and to appropriate the necessary lands for that purpose, under the compulsory powers vested in them by this Act, or by any other Act in their behalf; nor unless the company shall, prior to the first publication of such notice, have deposited in the Registry Office of any city, county or part of a county, in which the line or any part thereof is to be constructed, the maps and plans indicating the location of the line; nor until the company shall have submitted the same to, and such maps and plans shall have been approved by the Governor in Council, after the expiration of the notice; And provided further, that the Order of the Governor in Council, approving the said maps and plans, shall limit the time, not exceeding two years from the date of such order, within which the company may construct such branch line: **Power to construct branch lines for certain purposes. 1875. Proviso: Notice to be given. Maps and plans: and approval of Governor in Council. Proviso: time for construction limited.**

b. For any and every such purpose, each and every company herein referred to, shall have and may exercise all the powers given them with respect to their main line, by the Act **Powers of Company as to such branch lines. 1875.**

Act incorporating the company, and the Acts amending the same or relating to the company, or the Act authorizing the construction of the main line, and this Act and any Act amending the same; and each and all provisions of the said Acts which are applicable to such extension shall extend and apply to every such siding, switch or branch line of railway:

Changes may be made in the line of a Railway at any time for certain purposes.

19. Any railway company desiring at any time to change the location of its line of railway in any particular part for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting such line of railway, or for any other purpose of public advantage, may make such change; and all and every the clauses of this Act shall refer as fully to the part of such line of railway, so at any time changed or proposed to be changed, as to the original line; but no railway company shall have any right to extend its line of railway beyond the termini mentioned in the special Act:

Proviso.

Capital Stock may be increased: how and on what conditions.

20. The original capital stock of any railway company may be increased from time to time to any amount, but such increase must be sanctioned by a vote in person or by proxy, of at least two-thirds in amount of all the shareholders, at a meeting expressly called by the directors for that purpose, by a notice in writing to each shareholder, served on him personally, or properly directed to him, and deposited in the Post Office, at least twenty days previous to such meeting, stating the time and place and object of the meeting, and the amount of increase; and the proceedings of such meeting must be entered on the minutes of the proceedings, and thereupon the capital stock may be increased to the amount sanctioned by such a vote.

PLANS AND SURVEYS.

Provision respecting surveys and levels.

8. Plans and surveys shall be made and corrected as follows:—

Map and book of Reference; contents.

1. Surveys and levels shall be taken and made of the lands through which the railway is to pass, together with a map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a Book of Reference for the railway, in which shall be set forth—

a. A general description of the said lands;

b. The names of the owners and occupiers thereof, so far as they can be ascertained; and,

c. Every thing necessary for the right understanding of such map or plan;

2.

2. The map or plan and Book of Reference shall be examined and certified by the Minister of Public Works or his deputy, and a duplicate thereof, so examined and certified, shall be deposited in the office of the Department of Public Works, and the company shall be bound to furnish copies of such map or plan and Book of Reference or of such parts thereof as relate to each district or county through which the railway is to pass, to be deposited in the offices of the Clerks of the Peace for such districts or counties respectively: **To be examined, certified and copies deposited.**

3. Any person may resort to such copies, and make extracts therefrom or copies thereof, as occasion requires, paying to the Clerks of the Peace, at the rate of ten cents for every hundred words: **Access to Copies.**

4. Such map or plan and Book of Reference so certified, or a true copy thereof certified by the Minister of Public Works, or by the Clerks of the Peace, shall be good evidence in any court of law and elsewhere: **Certified copies to be evidence.**

5. Any omission, misstatement or erroneous description of such lands, or of the owners or occupiers thereof, in any map or plan or Book of Reference, may, after giving ten days' notice to the owners of such lands, be corrected by two justices on application made to them for that purpose; and if it appears to them that such omission, misstatement or erroneous description arose from mistake, the justices shall certify the same accordingly: **Omissions or errors how remedied.**

6. The certificate shall state the particulars of any such omission, and the manner thereof, and shall be deposited with the Clerks of the Peace of the districts or counties respectively in which such lands are situate, and be kept by them along with the other documents to which they relate; and thereupon such map or plan or Book of Reference shall be deemed to be corrected according to such certificate; and the company may make the railway in accordance with the certificate: **Certificates relating thereto.**

7. If any alterations from the original plan or survey are intended to be made in the line or course of the railway, a plan and section of such alterations as have been approved of by Parliament, on the same scale and containing the same particulars as the original plan and survey, shall be deposited in the same manner as the original plan, and copies of, or extracts from such plan and section so far as they relate to the several districts or counties, in or through which such alterations have been authorized to be made, shall be deposited with the Clerks of the Peace of such districts and counties: **Alterations from original survey.**

8. Until such original map or plan or Book of Reference, or the plans and sections of the alterations, have been so deposited, **Railway not to be proceeded with until**

map, &c., deposited. posited, the execution of the railway, or of the part thereof affected by the alterations, as the case may be, shall not be proceeded with :

Clerks of the Peace to retain copies of original plan, &c.

9. The Clerks of the Peace shall receive and retain the copies of the original plans and surveys, and copies of the plans and sections of alterations, and copies and extracts thereof respectively, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies of and extracts from the same, under a penalty for each default of four dollars :

Copies or extracts;

Copies certified by Clerk to be good evidence in Courts.

10. The copies of the maps, plans and Books of Reference, or of any alteration or correction thereof, or extracts therefrom, certified by the Clerk of the Peace, shall be received in all courts of justice or elsewhere as good evidence of the contents thereof, and the Clerk of the Peace shall give such certificate to all parties interested when required :

Line not to deviate more than a mile from Plan.

11. No deviation of more than one mile from the line of the railway or from the places assigned thereto in the said map or plan and Book of Reference, or plans or sections, shall be made into, through, across, under or over any part of the lands not shewn in such map or plan and Book of Reference, or plans or sections, or within one mile of the said line and place, save in such instances as are provided for in the Special Act :

As to errors in the name of a person entered in a Book of Reference.

12 The railway may be carried across or upon the lands of any person on the line, or within the distance from such line as aforesaid, although the name of such person has not been entered in the Book of Reference through error or any other cause, or though some other person is erroneously mentioned as the owner of or entitled to convey, or is interested in such lands :

Map, &c., of Railway to be filed in the Public Works Office.

13. A map and profile of the completed railway and of the land taken or obtained for the use thereof, shall, within six months after completion of the undertaking, be made and filed in the office of the Minister of Public Works, and like maps of the parts thereof, located in different districts and counties, shall be filed in the Registry Offices for the districts and counties in which such parts are respectively situate; and any company failing or neglecting to furnish such map within the said period, shall incur a penalty of two hundred dollars, and a like penalty for each and every month such failure or neglect shall continue, recoverable in Her Majesty's name in any court of competent jurisdiction :

On what scale and paper to be drawn.

14. Every such map shall be drawn on such a scale, and on such paper, as may from time to time be designated for that

that purpose by the Minister of Public Works, and shall be certified and signed by the president or engineer of the corporation.

LANDS AND THEIR VALUATION.

Extent of lands to be taken without consent of proprietor.

9. The lands which may be taken without the consent of the proprietor thereof, shall not exceed thirty-three yards in breadth, except in places where the railway is raised more than five feet higher, or cut more than five feet deeper than the surface of the line, or where offsets are established, or where stations, depôts or fixtures are intended to be erected, or goods to be delivered, and then not more than two hundred and fifty yards in length by one hundred and fifty yards in breadth, without the consent of the person authorized to convey such lands; and the places at which such extra breadth is to be taken shall be shewn on the map or plan, or plans or sections, so far as the same may be then ascertained, but their not being so shewn shall not prevent such extra breadth from being taken, provided it be taken upon the line shewn or within the distance aforesaid from such line:

Extra breadth for Stations, &c.

Extent of public beach to be taken.

2. The extent of the public beach, or of the land covered with the waters of any river or lake in Canada, taken for the railway, shall not exceed the quantity limited in the next preceding sub-section:

Corporations, &c., may convey lands to Company.

3. All corporations and persons whatever, tenants in tail or for life, *grevés de substitution*, guardians, curators, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*, or other persons, seized, possessed of, or interested in any lands, may contract, sell and convey unto the company all or any part thereof: Provided always, that in all cases in which the parties hereinbefore enumerated have no right in law to sell or convey the rights of property of said land, it will be necessary for the said parties to obtain from a competent judge, after due notice to parties interested, the right to sell the said land; and the said judge gill give such orders as may be necessary to secure the investment of the purchase money in such a manner as he will deem necessary, according to the law of the Province, to secure the interests of the owner of said land:

Proviso: order of judge required in certain cases. 1879.

Limitation of powers in certain cases.

4. But the powers by the next preceding sub-section conferred upon Rectors in possession of glebe lands in the Province of Ontario, ecclesiastical and other corporations, trustees of land for church or school purposes, or either, executors appointed by wills in which they are not invested with

with any power over the real estate of the testator, administrators of persons dying intestate but at their death seized of real estate, shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of any railway company:

Effect of sale under preceding sub-section.

5. Any contract, agreement, sale, conveyance and assurance so made, under the two next preceding sub-sections, shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the railway company receiving the same, the fee-simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever; and the corporation or person so conveying, is hereby indemnified for what it or he respectively does by virtue of, or in pursuance of this Act:

Disposition of purchase money.

6. The company shall not be responsible for the disposition of any purchase-money for lands taken by them for their purposes, if paid to the owner of the land, or into court for his benefit, as hereinafter provided:

Effect of contracts made before deposit of map.

7. Any contract or agreement made by any party authorized by this Act to convey lands, and made before the deposit of the map or plan and Book of Reference, and before the setting out and ascertaining of the lands required for the railway, shall be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, in the meantime, have become the property of a third party; and possession of the land may be taken and the agreement and price may be dealt with, as if such price had been fixed by an award of arbitrators as hereinafter provided, and the agreement shall be in the place of an award:

Corporations and others who cannot sell in ordinary course of law, may agree upon a fixed rent.

8. All corporations or persons who cannot in common course of law sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands; and if the amount of the rent is not fixed by voluntary agreement or compromise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed:

Lien for payment of such rent.

9. For the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase-money of any lands, which the vendor agrees to leave unpaid, the railway and the tolls thereon shall be liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge and liability being duly registered in the Registry Office of the proper district, county, or registration division:

10. After one month from the deposit of the map or plan and Book of Reference, and from notice thereof in at least one newspaper, if there be any, published in each of the districts and counties through which the railway is intended to pass, application may be made to the owners of lands or to parties empowered to convey lands, or interested in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the railway; and thereupon agreements and contracts may be made with such parties touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties; and in case of disagreement between them, or any of them, then all questions which arise between them shall be settled as follows, that is to say:—

After one month's notice of deposit of map, &c., application to the owner of lands.

Arbitration in default of agreement.

11. The deposit of a map or plan and Book of Reference, and the notice of such deposit, shall be deemed a general notice to all the parties, of the lands which will be required for the railway and works:

Deposit of plan, &c., to be general notice.

12. The notice served upon the party shall contain,—

Notice to opposite party; and what it must contain.

a. A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, describing them;

b. A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages; and,

c. The name of a person to be appointed as the arbitrator of the company, if their offer be not accepted; and such notice shall be accompanied by the certificate of a sworn Surveyor for the Province in which the lands are situated, disinterested in the matter, and not being the arbitrator named in the notice;

That the land, if the notice relate to the taking of land, shewn on the said map or plan, is required for the railway, or is within the limits of deviation hereby allowed;

That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and

That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages aforesaid:

13. If the opposite party is absent from the district or county in which the lands lie, or is unknown, then, upon application to the Judge of the Superior Court for the district,

If the opposite party be absent or unknown:

application to a Judge.

See s. 101 as to P.E.I.

trict, if it be in the Province of Quebec, or to the Judge of the County Court for the County, if it be in either of the Provinces of Ontario or New Brunswick, or to a Judge of the Supreme Court if it be in the Province of Nova Scotia, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the company that the opposite party is so absent, or that, after diligent enquiry, the party on whom the notice ought to be served cannot be ascertained, the judge shall order a notice as aforesaid, but without a certificate, to be inserted three times in the course of one month in some newspaper published in the district or county; or if there be no newspaper published therein, then in a newspaper published in some adjacent district or county:

If the County Judge be interested.

14. Whenever any County Judge is interested in any lands taken or required by the company within the county in which he is such judge, any judge of any of the superior courts in the Province in which the lands are, shall, on the application of the company, exercise in such cases all the powers given by this section to the County Judge in cases in which he is not interested:

Party not accepting the Company's offer, and not appointing an Arbitrator.

15. If within ten days after the service of such notice, or within one month after the first publication thereof, the opposite party does not notify to the company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, then the judge shall, on the application of the company, appoint a sworn Surveyor, for the Province, as the case may be, to be sole Arbitrator for determining the compensation to be paid as aforesaid:

Appointment of Arbitrator by opposite party: third Arbitrator.

16. If the opposite party within the time aforesaid, notifies to the company the name of his arbitrator, then the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then the Minister of Public Works shall, on the application of the party or of the company (previous notice of at least two clear days having been given to the other party,) appoint one of the Official Arbitrators to be a third arbitrator:

Duties of Arbitrators.

Award of two to be sufficient.

17. The arbitrators or two of them, or the sole arbitrator, being sworn before some Justice of the Peace for the district or county in which the lands lie, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation in such way as they or he, or a majority of them, deem best; and the award of such arbitrators, or any two of them, or of the sole arbitrator, shall be final and conclusive; but no such award shall be made or any official act be done by such majority, except at a meeting held at a time and place of which the other arbitrator has had at least two

two clear days' notice, or to which some meeting at which the third arbitrator was present, had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the arbitrator appointed by him, or whose appointment he required:

18. The arbitrators in deciding on such value or compensation, are authorized and required to take into consideration the increased value that would be given to any lands or grounds through or over which the railway will pass by reason of the passage of the railway through or over the same, or by reason of the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid: **Arbitrators to consider increased value of remaining lands.**

19. If in any case where three arbitrators have been appointed, the sum awarded is not greater than that offered, the cost of the arbitration shall be borne by the opposite party, and be deducted from the compensation, but if otherwise, they shall be borne by the company, and in either case they may, if not agreed upon, be taxed by the judge: **Costs, how paid.**

20. The arbitrators, or a majority of them, or the sole arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as voluntarily appear before them or him, and may administer such oath or affirmation; and any wilfully false statement made by any witness, under such oath or affirmation shall be deemed wilful and corrupt perjury, and punishable accordingly: **Arbitrators may examine on oath.**

21. A majority of the arbitrators at the first meeting after their appointment, or the sole arbitrator, shall fix a day on or before which the award shall be made, and if the same is not made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties or by resolution of the arbitrators, then, the sum offered by the company as aforesaid, shall be the compensation to be paid by them: **Time within which award may be made.**

22. If the sole arbitrator appointed by the judge, or the Official Arbitrator appointed by the Minister of Public Works, or any arbitrator appointed by the parties, or the third arbitrator appointed by the two arbitrators, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the sole arbitrator, the judge, upon the application of either party, and in the case of the Official Arbitrator, the Minister of Public Works, upon a like application, the Judge or Minister being satisfied by affidavit **Arbitrator dying, &c.** **Sub.-s. 22 of 1868 and 1876.**

affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another arbitrator in his place; and in the case of any arbitrator appointed by the parties, the company and party respectively may each appoint an arbitrator in the place of his arbitrator so deceased or not acting, and in the case of a third arbitrator appointed by the two arbitrators, the provisions of the sixteenth sub-section shall apply, but no recommencement or repetition of prior proceedings shall be required in any case:

Company may desist, paying costs.

23. Any such notice for lands, as aforesaid, may be desisted from, and new notice given, with regard to the same or other lands, to the same or any other party; but in any such case the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist:

Surveyor or Arbitrator not disqualified unless personally interested.

24. The surveyor or other person offered or appointed as valuator or as sole arbitrator, shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the company, provided he is not himself personally interested in the amount of the compensation; and no cause of disqualification shall be urged against any arbitrator appointed by the judge after his appointment, but the objection must be made before the appointment, and its validity or invalidity shall be summarily determined by the judge:

When disqualification mustbeurged. No objections admissible after a third Arbitrator has been appointed.

25. No cause of disqualification shall be urged against any arbitrator appointed by the company or by the opposite party after the appointment of a third arbitrator; and the validity or invalidity of any cause of disqualification urged against any such arbitrator, before the appointment of a third arbitrator, shall be summarily determined by the judge, on the application of either party, after two clear days' notice to the other, and if the cause is determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held not to have appointed an arbitrator:

Awards not avoided for want of form.

26. No award shall be invalidated from any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award state clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid, be named in the award:

Possession may be taken on payment of tender, &c., of sum awarded.

27. Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon to the party entitled to receive the same, or upon the payment into Court

Court of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon; and if any resistance or forcible opposition be made by any person to their so doing, the judge may, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the district or county, or to a bailiff, as he may deem most suitable, to put the company in possession, and to put down such resistance or opposition, which the sheriff or bailiff, taking with him sufficient assistance, shall accordingly do: Warrant of possession.

28. Such warrant may also be granted by any such judge, without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the railway with which the company are ready forthwith to proceed: When warrant of possession may issue before award.

b. But no judge shall grant any warrant under this sub-section unless ten days' previous notice of the time and place when and where application for its granting will be made to him, has been served upon the owner of the land, or the party empowered to convey the land, or interested in the land sought to be taken, or which may suffer damage from the taking of materials sought to be taken, or the exercise of the powers sought to be exercised, or the doing of the thing sought to be done, by the railway company; nor shall any judge grant any such warrant except upon the company giving security to his satisfaction, by deposit in a chartered bank indicated by him to the credit of the company, and such person or party jointly of a sum larger than his estimate of the probable compensation, and not less than double the amount mentioned in the notice served under sub-section twelve of this section; and the cost of the application to and of any hearing before the judge, shall be borne by the railway company, unless the compensation awarded shall be less than they had declared their readiness to pay; and no part of such deposit or of any interest thereon shall be repaid or paid to such company or paid to such owner or party without an order from such judge, which he shall have power to make in accordance with the terms of the award: On what conditions only Judge may grant such Warrant. Deposit of compensation required. 1879. Deposit to be paid out only on Judge's order.

29. The compensation for any lands which might be taken without the consent of the proprietor, shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the company, be converted into claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly When the compensation is to stand in the place of the land.

accordingly whenever they have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party :

As to incumbrances, &c., upon lands, &c., purchased or taken in Ontario, Nova Scotia or New Brunswick.

See s. 101 as to other Provinces.

30. If the company has reason to fear any claims or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or is unknown to the company, or if for any other reason the company deems it advisable, the company may, if the lands are situated in either of the Provinces of Ontario, Nova Scotia or New Brunswick, pay such compensation into the office of one of the superior courts for the Province in which the lands are situated, with the interest thereon for six months, and may deliver to the clerk of the court an authentic copy of the conveyance, or of the award or agreement if there be no conveyance; and such award or agreement shall thereafter be deemed to be the title of the company to the land therein mentioned :

What notice to be published.

31. A notice, in such form and for such time as the court appoints, shall be inserted in some newspaper, if there be any, published in the district or county in which the lands are situate, and at the seat of Government of the Province, which shall state that the title of the company, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or to any part thereof, or representing or being the husbands of any parties so entitled, to file their claims to the compensation, or any part thereof; and all such claims shall be received and adjudged upon by the court, and the said proceedings shall forever bar all claims to the lands, or any part thereof, including dower, as well as all mortgages or incumbrances upon the same; and the court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested, as to right and justice, and according to the provisions of this Act and the Special Act, and to law, appertain :

Order of Court distributing compensation.

By whom costs shall be paid.

32. The costs of the proceedings, or any part thereof, shall be paid by the company, or by any other party, as the court may order :

When interest shall be returned to, or paid by the Company.

33. If such order of distribution be obtained in less than six months from the payment of the compensation into court, the court shall direct a proportionate part of the interest to be returned to the company, and if from any error, fault or neglect of the company, it is not obtained until after the six months have expired, the court shall order the company to pay to the proper claimants the interest for such further period as may be right :

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34. If the lands so taken are situated in the Province of Quebec, and if the company have reason to fear any such claim, mortgage, hypothec or incumbrance, or if any party to whom the compensation or annual rent, or any part thereof, is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the compensation or rent cannot be found, or is unknown to the company, or if for other reasons the company deems it advisable, the company may pay such compensation into the hands of the Prothonotary of the Superior Court for the District in which the land is situate, with the interest thereon for six months, and may deliver to the said prothonotary an authentic copy of the conveyance, or of the award, if there be no conveyance, and such award shall thereafter be deemed to be the title of the company to the land therein mentioned, and proceedings shall thereupon be had for the confirmation of the title of the company, in like manner as in other cases of confirmation of title, except that, in addition to the usual contents of the notice, the prothonotary shall state that the title of the company (that is, the conveyance or award) is under this Act, and shall call upon all persons entitled to the lands, or any part thereof, or representing or being the husband of any party so entitled, to file their claims to the compensation, or any part thereof; and all such claims shall be received and adjudged upon by the court: Case in which lands are situate in P.Q. and Company have reason to fear incumbrances provided for. Special notice in such case.

35. Such judgment of confirmation shall forever bar all claims to the land, or any part thereof (including dower not yet open) as well as any mortgage, hypothec or incumbrance upon the same; and the court shall make such order for the distribution, payment or investment of the compensation, and for the security of the rights of all parties interested, as to right and justice, and the Special Act, and the provisions of this Act and to law, shall appertain: Effect of a judgment of confirmation.

36. The costs of the proceedings, or any part thereof, shall be paid by the company, or by any other party, as the court may order; and if judgment of confirmation be obtained in less than six months from the payment of the compensation to the prothonotary, the court shall direct a proportionate part of the interest to be returned to the company, and if from any error, fault or neglect of the company, it is not obtained until after the six months have expired, the court shall order the company to pay the prothonotary the interest for such further period as may be right: By whom costs to be paid. Interest.

37. If the railway passes through any land belonging to or in possession of any tribe of Indians in Canada, or if any act occasioning damage to their lands be done under the authority of this Act or the Special Act, compensation shall be The case of Railway passing through Indian lands provided for.

be made to them therefor, in the same manner as is provided with respect to the lands or rights of other individuals; and whenever it is necessary that arbitrators should be chosen by the parties, the Minister of the Interior is hereby authorized and required to name an arbitrator on behalf of the Indians; and where the lands belong to the Indians, the amount awarded in any case shall be paid to the said Minister of the Interior, for the use of such tribe or body:

Power to take materials for construction of Road. 1879.

38. Whenever stone, gravel, earth, sand or water is required for the construction or maintenance of any railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situated, for the purchase thereof, cause a Land Surveyor duly licensed to act as such in the Province or Territory, to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the roadway; and all the provisions of this Act as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject-matter of this sub-section, and to the obtaining materials as aforesaid, and such proceedings may be had by the company, either for the right to the fee-simple in the land from which the said material shall be taken, or for the right to take material for any time they shall think necessary; and the notice of arbitration, in case arbitration is resorted to, shall state the interest and powers required:

Notice in case of arbitration. 1879.

Power to make sidings, conduits, &c. 1879.

39. Whenever any gravel, stone, earth, sand or water is taken as aforesaid, at a distance from the line of the railway, the company may lay down the necessary sidings, water-pipes or conduits and tracks over or through any lands intervening between the railway and the lands on which such material or water is found, whatever the distance may be; and all the provisions of this Act, except such as relate to the filing of plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be acquired for a term of years or permanently, as the company may think proper; and the powers in this and the next preceding sub-section contained may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the railway:

May be exercised for repairing and maintaining Road. 1879.

Provision when the whole lot or parcel of land can be pur-

40. Whenever, for the purpose of procuring sufficient lands for stations or gravel-pits, or for constructing, maintaining and using the railway, any land may be taken under the compulsory provisions of this section, and by purchasing the

the whole of any lot or parcel of land over which the railway is to run, or of which any part may be taken under the said provisions, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the roadway line only or only such part as aforesaid, the company may purchase, hold, use or enjoy the whole of such lot or parcel, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient; but the compulsory provisions of this Act shall not apply to the taking of any portion of such lot or parcel not necessary for the purposes aforesaid. chased with advantage. 1879.

10. Whenever any railway company, subject for any cause to the legislative authority of the Parliament of Canada, (and whether the provisions of this Act generally do or do not for other purposes apply to such company or their railway,) requires at any station or place on the line of such railway more ample space for the convenient accommodation of the public and of the traffic on the railway than they then possess or can take without the consent of the proprietors thereof, the company may cause a plan to be made of the additional ground required at such station or place for the purposes aforesaid, not being in actual use for similar purposes by any other railway company, (and for the purpose of making such plan shall have the powers granted to railway companies for making surveys, by the seventh section of this Act,) and may transmit such plan to the Minister of Public Works, with an application (supported by affidavit) on behalf of the company, referring to such plan and stating that certain ground shewn thereon is necessary for the purposes aforesaid, and that no other ground suitable for the purpose can be acquired at such place on reasonable terms and with less injury to private rights, and requesting the Minister to authorize the taking thereof for such purposes under this Act,— of which application ten days' notice shall be given to the owner or possessor of such property; and the correctness of the plan and the truth of the allegations in such application shall be certified by the President or one of the Directors of the company, and by their Engineer, and such plan and statement shall be made and transmitted to the Minister in duplicate. Proceeding when more space is required for the accommodation of the traffic at any station or place. 1871.

11. The Minister of Public Works shall inquire into the correctness of the plan and the truth of the allegations of the application aforesaid, and being satisfied thereof, shall grant a certificate to that effect, and declaring it to be necessary in the public interest that the ground shewn on such plan, or any less quantity, should be acquired by the Company; and such certificate shall be annexed to one of the duplicates of the said plan and statement, and the other duplicate shall remain in the office of the Minister. Certificate of Minister of Public Works required. 1871.

12.

Effect of such certificate, and application of certain provisions of this Act to the land certified as necessary. 1871.

12. Upon the granting of such certificate as aforesaid by the Minister of Public Works, and by virtue thereof, the company shall have power to take the ground shewn on the said plan as required for the purposes aforesaid, without the consent of the proprietors; and the company and all corporations or parties who could not otherwise convey the same to the company, shall have, with respect to any such ground, all the powers granted by the sections of this Act, headed "LANDS AND THEIR VALUATION," to railway companies, corporations, and parties who could not otherwise convey the same, with respect to lands which may be taken without the consent of the proprietors thereof; and the enactments and provisions of the said section, except such as refer to the map or plan and Book of Reference therein mentioned, or as limit the extent of land to be taken, shall apply and are hereby extended to the ground mentioned in the said certificate of the Minister of Public Works, and to all the proceedings connected with or consequent upon the acquiring or taking of such ground, or any part thereof, with or without the consent of the proprietor; and if at any time thereafter the company shall not require the whole or any portion of the land acquired under the sections last aforesaid, then such land as is not so required shall be sold by public auction after thirty days notice thereof in any newspaper.

Sale of land taken and not afterwards required. 1871.

Proof of certificate. 1871.

13. Any such certificate as aforesaid, purporting to be signed by the Minister of Public Works, shall be received as authentic in all courts of law or equity, without proof of such signature or other evidence, unless its authenticity be called in question on behalf of the Crown.

Application of four next preceding sections. 1871.

14. The provisions of the four next preceding sections shall apply to every railway company heretofore, or which may be hereafter incorporated, and to every railway heretofore constructed, or now in course of construction or hereafter to be constructed, as well as to those railways and railway companies to which this Act is by its provisions declared to be generally applicable.

HIGHWAYS AND BRIDGES.

Railway not to be carried along any highway without leave from municipal authorities.

15. The railway shall not be carried along an existing highway, but merely cross the same in the line of the railway, unless leave has been obtained from the proper municipal or local authority therefor; and no obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage for carriages, and, on completion of the works, replacing the highway, under a penalty of not less than forty dollars for any contravention; but, in either case, the rail itself, provided it does not rise above nor sink below the surface of the road more than one inch, shall not be deemed an obstruction:

2.

2. No part of the railway which crosses any highway without being carried over by a bridge, or under by a tunnel, shall rise above or sink below the level of the highway more than one inch; and the railway may be carried across or above any highway within the limits aforesaid:

Railway not to rise more than one inch above level of any highway when crossing the same.

3. The span of the arch of any bridge erected for carrying the railway over or across any highway shall at all times be, and be continued of the open and clear breadth and space, under such arch, of not less than twenty feet, and of a height from the surface of such highway to the centre of such arch of not less than twelve feet; and the descent under any such bridge shall not exceed one foot in twenty feet:

Height and span of bridge over highways.

4. The ascent of all bridges erected to carry any highway over any railway shall not be more than one foot in twenty feet increase over the natural ascent of the highway; and a good and sufficient fence shall be made on each side of every bridge, which fence shall not be less than four feet above the surface of the bridge:

Ascent of bridges.

5. Every highway or other overhead bridge or other erection or structure over any railway to which this Act applies, existing at the time of the passing of this Act, of which the lower beams or members of the superstructure are not of a sufficient height from the surface of the rails to admit of an open and clear headway of at least seven feet between the top of the highest freight cars then running on such railway and the bottom of such lower beams or members, shall, within twelve months from that date, be reconstructed to that effect, with suitable approaches thereto, if a bridge, at the cost of the railway company, municipality or other owner thereof, and shall at all times thereafter be maintained at such height; and every such railway company, before using higher freight cars than those running on their railways at the time of the passing of this Act, or of the reconstruction, as aforesaid of any such bridge or other erection or structure, as the case may be, shall, after having first obtained the consent of the municipality, or of the owners of such bridge or other erection or structure, raise every such bridge or other erection or structure over their railway and the approaches thereto, if necessary, at the cost and charges of the railway company, so as to admit, as aforesaid, an open and clear headway of not less than seven feet over the top of the highest freight car then about to be used on the railway:

Provision with respect to existing bridges over railways.

And as to the case where the Company is about to use loftier freight cars. 1879.

b. And whenever a highway bridge or any other erection or structure shall hereafter be constructed over a railway, or whenever it shall become necessary to reconstruct any highway bridge, or other erection or structure already

Highway bridges, &c., hereafter constructed over railways to be made of a cer-

tain height above the top of the highest freight cars, and at whose expense. 1879.

already built over a railway, or to make large repairs to the same, the lower beams or members of the superstructure of any such highway or overhead bridge, or of any other erection or structure over any railway, and the approaches thereto, shall be constructed, or reconstructed at the cost of the railway company or of the municipality or other owner of the bridge, erection or structure, as the case may be, and shall at all times be maintained, at a sufficient height from the surface of the rails of the railway to admit of an open and clear headway of not less than seven feet between the top of the highest freight cars then running on the railway and the lower beams or members of such bridge or other erection; and thereafter, any railway company, before using higher freight cars than those running on their railway at the time of the construction or reconstruction of, or large repair to, such bridge or other erection or structure, shall, after having first obtained the consent of the municipality, or of the owners of such highway bridge, or other erection or structure, raise the said bridge or other erection or structure, and the approaches thereto, if necessary, at the cost and charges of the railway company, so as to admit, as aforesaid, an open and clear headway of not less than seven feet over the top of the highest freight car then about to be used, on the railway:

Provision in case of higher cars being used thereafter.

Precautions when Railway crosses a highway.

6. Signboards stretching across or projecting over the highway crossed at a level by any railway, shall be erected and kept up at each crossing at such height as to leave sixteen feet from the highway to the lower edge of the signboard, and having the words "Railway Crossing" painted on each side of the signboard, in letters not less than six inches in length; and for any neglect to comply with the requirements of this sub-section, a penalty not exceeding forty dollars shall be incurred.

FENCES.

Fences to be erected on each side of Railway, with gates and crossings.

16. Within six months after any lands have been taken for the use of the railway, the company shall, if thereunto required by the proprietors of the adjoining lands, at their own costs and charges, erect and maintain on each side of the railway, fences of the height and strength of an ordinary division fence, with sliding gates, commonly called hurdle gates, with proper fastenings, at farm crossings of the road, for the use of the proprietors of the lands adjoining the railway; and also cattle-guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on the railway:

Liability of Company until cattle guards are erected.

2. Until such fences and cattle-guards are duly made, the company shall be liable for all damages which may be done by their trains or engines to cattle, horses or other animals on the railway:

3.

3. After the fences or guards have been duly made, and while they are duly maintained, no such liability shall accrue for any such damages, unless negligently or wilfully done: **When to be exempted.**

4. If any person rides, leads or drives any horse or any other animal, or suffers any such horse or other animal to enter upon such railway, and within the fences and guards, other than the farm crossings, without the consent of the company, he shall for every such offence forfeit a sum not exceeding forty dollars, and shall also pay to the party aggrieved all damages sustained thereby: **Persons prohibited from going on the track, &c., with cattle, &c.**

5. No person other than those connected with, or employed by the railway, shall walk along the track thereof, except where the same is laid across or along a highway: **Not to walk on track.**

6. Each and every railway company heretofore incorporated or which may hereafter be incorporated, and subject to the jurisdiction of the Parliament of Canada, as well as the Government of Canada with respect to all railways constructed by or being the property or under the control of the Dominion of Canada, shall have the right, on and after the first day of November, in each year, to enter into and upon any lands of Her Majesty, or into and upon the lands of any corporation or person whatsoever, lying along the route or line of any railway, and to erect and maintain snow fences thereon, subject to the payment of such land damages (if any) as may be thereafter established, in the manner provided by law with respect to such railway, to have been actually suffered: Provided always, that any snow fences so erected shall be removed on or before the first day of April then next following. **Power to erect snow fences on adjoining lands.** 1873. **Proviso.**

TOLLS.

17. Tolls shall be, from time to time, fixed and regulated by the by-laws of the company, or by the directors, if thereunto authorized by the by-laws, or by the shareholders at any general meeting, and may be demanded and received for all passengers and goods transported upon the railway, or in the steam vessels to the undertaking belonging, and shall be paid to such persons and at such places near to the railway, in such manner and under such regulations as the by-laws direct: **Tolls to be fixed by By-laws or otherwise.**

2. In case of denial or neglect of payment on demand of any such tolls, or any part thereof, to such persons, the same may be sued for and recovered in any competent court, or the agents or servants of the company may seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the said goods shall be at the risk of the owners thereof: **How payment of Tolls may be enforced.**

3.

When if tolls are not paid, goods distrained may be sold.

3. If the tolls are not paid within six weeks, the company may sell the whole or any part of such goods, and out of the money arising from such sale retain the tolls payable, and all charges and expenses of such detention and sale; rendering the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto:

When goods distrained or detained may be sold.

4. If any goods remain in the possession of the company unclaimed for the space of twelve months, the company may thereafter, and on giving public notice thereof by advertisement for six weeks in the *Official Gazette* of the Province in which such goods are, and in such other newspapers as they deem necessary, sell such goods by public auction at a time and place to be mentioned in such advertisement, and out of the proceeds thereof pay such tolls and all reasonable charges for storing, advertising and selling such goods; and the balance of the proceeds, if any, shall be kept by the company for a further period of three months, to be paid over to any party entitled thereto:

Proceeds, how dealt with.

How balance to be disposed of.

5. In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Receiver-General, to be applied to the general purposes of Canada, until claimed by the party entitled thereto:

Tolls—how raised or reduced.

6. All or any of the tolls may, by any by-law, be reduced and again raised as often as deemed necessary for the interests of the undertaking; but the same tolls shall be payable at the same time and under the same circumstances upon all goods and by all persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any by-laws relating to the tolls:

A fraction of a mile or ton how estimated in charging tolls.

7. In all cases, a fraction in the distance over which goods or passengers are transported on the railway shall be considered as a whole mile; and for a fraction of a ton in the weight of any goods, a proportion of the tolls shall be demanded and taken, according to the number of quarters of a ton contained therein, and a fraction of a quarter of a ton shall be deemed and considered as a whole quarter of a ton:

Table of tolls to be stuck up in offices and cars.

8 The Directors shall, from time to time, print and stick up, or cause to be printed and stuck up, in the office, and in all and every of the places where the tolls are to be collected, in some conspicuous place there, a printed board or paper exhibiting all the tolls payable, and particularizing the price or sum of money to be charged or taken for the carriage of any matter or thing:

Tolls to be approved of by the Gover-

9. No tolls shall be levied or taken until approved of by the Governor in Council, nor until after two weekly publications

tions in the *Canada Gazette* of the by-law establishing such tolls, and of the Order in Council approving thereof: nor in Council.

10. Every by-law fixing and regulating tolls shall be subject to revision by the Governor in Council, from time to time, after approval thereof; and after an Order in Council, reducing the tolls fixed and regulated by any by-law, has been twice published in the *Canada Gazette*, the tolls mentioned in such Order in Council shall be substituted for those mentioned in the by-law, so long as the Order in Council remains unrevoked: **The Governor may revise By-laws fixing tolls.**

11. The Parliament of Canada may, from time to time, reduce the tolls upon the railway, but not without consent of the company, or so as to produce less than fifteen per cent. per annum profit on the capital actually expended in its construction; nor unless, on an examination made by the Minister of Public Works of the amount received and expended by the company, the net income from all sources, for the year then last passed, is found to have exceeded fifteen per cent. upon the capital so actually expended: **When Parliament may reduce tolls on Railways.**

12. No by-law of any railway company by which any tolls are to be imposed or altered, or by which any party other than the members, officers and servants of the company are intended to be bound, shall have any force or effect until the same has been approved and sanctioned by the Governor in Council. **By-laws imposing tolls, &c., to be approved by the Governor in Council.**

GENERAL MEETINGS OF SHAREHOLDERS.

18. The shareholders may assemble together at general meetings for purposes connected with or belonging to the undertaking, and at any annual general meeting, may elect directors in the manner provided by the next succeeding section. **Shareholders may hold general meetings.**

PRESIDENT AND DIRECTORS—THEIR ELECTION AND DUTIES.

19. A Board of Directors of the undertaking to manage its affairs, the number whereof shall be stated in the special Act, shall be chosen annually by a majority of the shareholders voting at such election at a general meeting, the time and place for which shall be appointed by the Special Act, and if such election is not held on the day appointed, the directors shall cause such election to be held within as short a delay as possible after the day appointed: **Board of Directors to be elected.**

2. No person shall be admitted to vote on such subsequent day except those who would have been entitled to vote had the election been held on the day when it ought to have been held: **Who entitled to vote.**

3.

Vacancies, how to be filled up.

3. Vacancies in the Board of Directors shall be filled in the manner prescribed by the by-laws:

Who qualified to be a Director.

4. No person shall be a director unless he is a stockholder, owning stock absolutely in his own right, and qualified to vote for directors at the election at which he is chosen:

Calling of special meetings, &c.

5. The method of calling general meetings, and the time and place of the first meeting of stockholders, for the appointment of directors, shall be determined and settled in the Special Act:

Votes to be in proportion to shares.

6. The number of votes to which each shareholder shall be entitled on every occasion when the votes of the members are to be given, shall be in the proportion of the number of shares held by him, unless otherwise provided by the Special Act:

Shareholders may vote by proxy.

7. All shareholders, whether resident in Canada or elsewhere, may vote by proxy, if they see fit; Provided that such proxy produce, from his constituent an appointment in writing, in the words or to the effect following, that is to say,—

Form.

I, , of one of the shareholders of the , do hereby appoint , of , to be my proxy, and in my absence to vote or give my assent to any business, matter or thing relating to the said undertaking, that may be mentioned or proposed at any meeting of the shareholders of the said company, or any of them, in such manner as he, the said , thinks proper. In witness whereof, I have hereunto set my hand and seal, the day of , in the year .

Votes by proxy to be valid.

8. The votes by proxy shall be as valid as if the principals had voted in person; and every matter or thing proposed or considered in any public meeting of the shareholders shall be determined by the majority of votes and proxies then present and given, and all decisions and acts of any such majority shall bind the company, and be deemed the decisions and acts of the company:

Term of office of Directors.

9. The directors appointed at the last election, or those appointed in their stead in case of vacancy, shall remain in office until the next ensuing election of directors:

Vacancies how supplied.

10. In case of the death, absence or resignation of any of the directors, others may be appointed in their stead by the surviving directors; but if such appointment be not made, such death, absence or resignation shall not invalidate the acts of the remaining directors:

11.

11. The directors shall, at their first or at some other meeting after the election, elect one of their number to be the president of the company, who shall always, when present, be the chairman of and preside at all meetings of the directors, and shall hold his office until he ceases to be a director, or until another president has been elected in his stead; and they may in like manner elect a vice-president, who shall act as chairman in the absence of the president: **President. Term of office. Vice President.**

12. The directors at any meeting at which not less than a quorum, to be settled by the Special Act, are present, shall be competent to use and exercise all and any of the powers vested in them: **Quorum.**

13. The act of a majority of a quorum of the directors present at any meeting regularly held, shall be deemed the act of the directors: **Acts of majority to bind the whole.**

14. No director shall have more than one vote except the chairman, who shall, in case of a division of equal numbers, have the casting vote: **Casting vote.**

15. The directors shall be subject to the examination and control of the shareholders at their annual meetings, and be subject to all by-laws of the company, and to the orders and directions from time to time made at the annual or special meetings,—such orders and directions not being contrary to any express directions or provisions of this Act or the Special Act: **Directors to be subject to Shareholders and By-laws.**

16. No person holding any office, place or employment in or being concerned or interested in any contracts under or with the company, shall be capable of being chosen a director, or of holding the office of director, nor shall any person being a director of the company enter into, or be directly or indirectly, for his own use and benefit, interested in any contract with the company, not relating to the purchase of land necessary for the railway, or be or become a partner of any contractor with the company: **Officers of Company cannot be Directors or contractors.**

17. The directors shall make by-laws for the management and disposition of the stock, property, business and affairs of the company, not inconsistent with the laws of Canada, and for the appointment of all officers, servants and artificers, and prescribing their respective dutie : **By-laws for management of stock, &c.**

18. The directors shall, from time to time, appoint such officers as they deem requisite, and shall take sufficient security, by one or more penal bonds, or by the guarantee of the Canadian Guarantee Company, or of any society incorporated for like purposes, or otherwise, as they may deem expedient, from the manager and officers for the time being, for the **May appoint officers.**

the safe keeping and accounting for by them respectively of the moneys raised by virtue of this Act and the Special Act, and for the faithful execution of their offices, as the directors think proper:

Vice-President to act in the absence of the President.

19. In case of the absence or illness of the president, the vice-president shall have all the rights and powers of the president, and may sign all notes, bills, debentures and other instruments, and perform all acts which by the regulations and by-laws of the company, or by the Acts incorporating the company, are required to be signed, performed and done by the president:

Absence of President may be entered in the minutes, and certified, &c.

20. The directors may, at any meeting, require the secretary to enter such absence or illness among the proceedings of such meeting; and a certificate thereof signed by the secretary, shall be delivered to any person or persons requiring the same on payment to the treasurer of one dollar, and such certificate shall be taken and considered as *primâ facie* evidence of such absence or illness, at and during the period in the said certificate mentioned, in all proceedings in courts of justice or otherwise:

Directors to cause annual accounts to be rendered.

21. The directors shall cause to be kept, and annually on the thirty-first day of December to be made up and balanced, a true, exact and particular account of the moneys collected and received by the company or by the directors or managers thereof, or otherwise, for the use of the company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company or the directors.

CALLS.

Calls, how made and after what notice.

20. The directors may, from time to time, make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall exceed the prescribed amount determined in the Special Act, or be made at a less interval than two months from the previous call, nor shall a greater amount be called in, in any one year, than the amount prescribed in the Special Act:

Notice of meetings, how published.

2. All notices of meetings or of calls upon the shareholders of the company shall be published weekly in the *Canada Gazette*, which shall be conclusive evidence of the sufficiency of such notice:

Payment of calls how to be made.

3. Every shareholder shall be liable to pay the amount o the call so made in respect of the shares held by him to the persons,

persons, and at the times and places from time to time appointed by the company or the directors:

4. If before or on the day appointed for payment, any shareholder does not pay the amount of the call, he shall be liable to pay interest for the same, at the rate of six per centum per annum, from the day appointed for the payment thereof to the time of the actual payment: **Interest to be chargeable on overdue calls.**

5. If at the time appointed for the payment of any call, any shareholder fails to pay the amount of the call, he may be sued for the same in any court of competent jurisdiction, and the same may be recovered with lawful interest from the day on which the call became payable: **Amount of call may be recovered by suit.**

6. In any action or suit to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number and amount of each of such calls, whereby an action hath accrued to the company by virtue of the Special Act; **What allegations and formalities necessary in actions for calls.**

7. The certificate of proprietorship of any share shall be admitted in all courts, as *primâ facie* evidence of the title of any shareholder, his executors, administrators, successors or assigns, to the share therein specified; **Certificate of proprietorship *primâ facie* evidence.**

8. But the want of such certificate shall not prevent the holder of any share from disposing thereof: **Proviso.**

9. Any person neglecting or refusing to pay a rateable share of the calls as aforesaid, for the space of two months after the time appointed for the payment thereof, shall forfeit his shares in the undertaking, and all the profit and benefit thereof, which forfeiture shall go to the company for the benefit thereof: **Penalty for refusal to pay calls.**

10. No advantage shall be taken of the forfeiture, unless the shares are declared to be forfeited at a general meeting of the company, assembled at any time after such forfeiture has been incurred: **When only forfeiture of share to be taken advantage of.**

11. Every such forfeiture shall be an indemnification to and for every shareholder so forfeiting, against all actions, suits or prosecutions whatever, commenced or prosecuted for any breach of contract or other agreement between such shareholder and the other shareholders with regard to carrying on the undertaking: **Effect of forfeiture as to liabilities.**

Directors may sell forfeited shares.

12. The directors may sell, either by public auction or private sale, and in such manner and on such terms as to them may seem meet, any shares so declared to be forfeited, and also any shares remaining unsubscribed for in the capital stock of the company, or pledge such forfeited or unsubscribed shares for the payment of loans or advances made or to be made thereon, or of any sums of money borrowed or advanced by or to the company:

Certificate of Treasurer to be evidence of forfeiture and of title of purchaser.

13. A certificate of the treasurer of the company that the forfeiture of the shares was declared, shall be sufficient evidence of the fact, and of their purchase by the purchaser; and such certificate, with the receipt of the treasurer for the price of such shares, shall constitute a good title to the shares, and the certificate shall be, by the said treasurer, enregistered in the name and with the place of abode and occupation of the purchaser, and shall be entered in the books required to be kept by the by-laws of the company; and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase-money, nor shall his title to such shares be affected by any irregularity in the proceedings in reference to such sale, and any shareholder may purchase any shares so sold:

Interest may be allowed to Shareholders paying money in advance on their shares.

14. Shareholders willing to advance the amount of their shares, or any part of the money due upon their respective shares beyond the sums actually called for, may pay the same, and upon the principal moneys so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect to which such advance is made, the company may pay such interest at the legal rate of interest for the time being, as the shareholders paying such sum in advance and the company agree upon; but such interest shall not be paid out of the capital subscribed.

DIVIDENDS.

Declaration of dividend.

21. At the general meetings of the shareholders of the undertaking from time to time holden, a dividend shall be made out of the clear profits of the undertaking, unless such meetings declare otherwise:

At so much per share.

2. Such dividend shall be at and after the rate of so much per share upon the several shares held by the shareholders in the stock of the company, as such meeting may think fit to appoint or determine:

Dividends not to impair the Capital.

3. No dividend shall be made whereby the capital of the company is in any degree reduced or impaired, or be paid out of such capital, nor shall any dividend be paid in respect of

of any share, after a day appointed for payment of any call for money in respect thereof, until such call has been paid;

4. The Directors may, in their discretion, until the Railway is completed and opened to the public, pay interest at any rate not exceeding six dollars per hundred dollars per annum, on all sums called up in respect of the shares, from the respective days on which the same have been paid, such interest to accrue and be paid at such times and places as the directors may appoint for that purpose; **Directors may pay interest on sums called up in respect of shares.**

5. No interest shall accrue to the proprietor of any share upon which any call is in arrear in respect of such share or upon any other share held by the same shareholder while such call remains unpaid. **No interest on shares in arrear.**

SHARES AND THEIR TRANSFER.

22. Shares in the undertaking may, by the parties, be sold and disposed of by instrument in writing, to be made in duplicate, one part of which shall be delivered to the directors, to be filed and kept for the use of the Company, and any entry thereof shall be made in a book to be kept for that purpose; and no interest or dividend on the shares transferred shall be paid to the purchaser until such duplicate is so delivered, filed and entered: **Shareholders may dispose of shares.**

2. Sales shall be in the form following, varying the names and descriptions of the contracting parties as the case may require: **Form of sale.**

I, A. B., in consideration of the sum of , paid to me by C. D., hereby do sell and transfer to him share (*or* shares) of the stock of the , to hold to him, the said C. D., his heirs, executors, administrators and assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution hereof. And I, the said C. D., do hereby agree to accept of the said share (*or* shares) subject to the same rules, orders and conditions. Witness our hands this day of in the year 18 ;

3. The stock of the Company shall be deemed personal estate, but no shares shall be transferable until all previous calls thereon have been fully paid in, or the said shares have been declared forfeited for the non-payment of calls thereon, and no transfer of less than a whole share shall be valid; **Stock to be personal estate—No transfer of part of a share.**

4. If any share in the Company be transmitted by the death, bankruptcy or last will, donation or testament, or by the intestacy of any shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the party to whom **Transmission of shares other than by transfer, provided for.**

whom such share is transmitted shall deposit in the office of the Company a statement in writing, signed by him, declaring the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary; and without such proof the party shall not be entitled to receive any share of the profits of the Company, nor to vote in respect of any such share as the holder thereof;

Company not bound to see to the execution of trusts.

5. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares may be subject; and the receipt of the party in whose name any share stands in the books of the Company, or if it stands in the name of more parties than one, the receipt of one of the parties named in the register of shareholders, shall from time to time be a sufficient discharge to the Company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share may then be subject, and whether or not the Company have had notice of the trust, and the Company shall not be bound to see to the application of the money paid upon such receipts;

Company not to take stock in their own or any other companies.

6. The funds of the Company shall not be employed in the purchase of any stock in their own or in any other Company

SHAREHOLDERS.

Shareholder individually liable, and to what extent.

23. Each Shareholder shall be individually liable to the creditors of the Company to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities thereof, and until the whole amount of his stock has been paid up; but shall not be liable to an action therefor before an execution against the Company has been returned unsatisfied in whole or in part;

When and how Municipal Corporations may take stock, &c.

2. Municipal corporations in any Province in Canada being duly empowered so to do by the laws of the Province, and subject to the limitations and restrictions by such laws prescribed, may subscribe for any number of shares in the capital stock of the Company, and the Mayor, Warden or Reeve, or other head of any such corporation holding stock to the amount of twenty thousand dollars or upwards, shall be *ex officio* one of the Directors of the Company in addition to the number of Directors authorized by the Special Act;

Account of names and residence of Shareholders to be kept.

3. A true and perfect account ot the names and places of abode of the several shareholders shall be entered in a book to be kept for that purpose.

BY-LAWS,

BY-LAWS, NOTICES, &C.

24. All by-laws, rules and orders regularly made, shall be put into writing and signed by the Chairman or person presiding at the meeting at which they are adopted, and shall be kept in the office of the Company; and a printed copy of so much of them as relates to or affects any party other than the members or servants of the Company, shall be affixed openly in every place where tolls are to be gathered, and a printed copy of so much of them as relates to the safety and liability of passengers shall be openly affixed in each passenger car, and in like manner so often as any change or alteration is made to the same; and any copy of the same, or of any of them, certified as correct by the President or Secretary, shall be evidence thereof in any court; **By-laws to be put into writing, and signed by Chairman.**

2. All such by-laws, rules and orders shall be submitted from time to time to the Governor for approval; **By-laws to be submitted to Governor.**

3. Copies of the minutes of proceedings and resolutions of the shareholders of the Company, at any general or special meeting, and of the minutes of proceedings and resolutions of the Directors, at their meetings, extracted from the minute-books kept by the Secretary of the Company, and by him certified to be true copies extracted from such minute-books, shall be evidence of such proceedings and resolutions in any court; **Copies of minutes to be *primâ facie* evidence.**

4. All notices given by the Secretary of the Company, by order of the Directors, shall be deemed notices by the Directors and Company. **Notices by Secretary valid.**

WORKING OF THE RAILWAY.

25. Every servant of the undertaking employed in a passenger train or at a station for passengers, shall wear upon his hat or cap a badge, which shall indicate his office, and he shall not without such badge be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, or to interfere with any passenger or his baggage or property; **Servants to wear badges.**

2. The trains shall be started and run at regular hours to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transportation at the place of starting, and at the junctions of other railways and at usual stopping-places established for receiving and discharging way-passengers and goods from the trains; **Trains to start at regular hours.**

3.

Carriage on payment of fare or freight. 3. Such passengers and goods shall be taken, transported and discharged at, from and to such places, on the due payment of the toll, freight or fare legally authorized therefor;

The Company liable for neglect or refusal. 1868 and 1871. 4. The party aggrieved by any neglect or refusal in the premises, shall have an action therefor against the Company; from which action the Company shall not be relieved by any notice, condition or declaration, if the damage arises from any negligence or omission of the Company or of its servants;

Checks to be fixed on parcels. 5. Checks shall be affixed by an agent or servant to every parcel of baggage having a handle, loop or fixture of any kind thereupon, and a duplicate of such check shall be given to the passenger delivering the same;

Penalty for refusing to give checks. 6. If such check be refused on demand, the Company shall pay to such passenger the sum of eight dollars, to be recovered in a civil action; and further, no fare or toll shall be collected or received from such passenger, and if he has paid his fare the same shall be refunded by the conductor in charge of the train;

Passenger a witness in his own behalf. 7. Any passenger producing such check may himself be a witness in any suit brought by him against the Company to prove the contents and value of his baggage not delivered to him;

Baggage cars not to be in rear of passenger cars. 8. The baggage, freight, merchandise or lumber cars shall not be placed in rear of the passenger cars, and if any such be so placed, the officer or agent directing or knowingly suffering such arrangement, and the conductor of the train, shall severally be guilty of a misdemeanor, and be punished accordingly;

Locomotives to have bells and whistles. 9. Every locomotive engine shall be furnished with a bell of at least thirty pounds weight, and with a steam whistle;

To be rung or sounded at every crossing, &c. 10. The bell shall be rung, or the whistle sounded at the distance of at least eighty rods from every place where the railway crosses any highway, and be kept ringing or be sounded at short intervals, until the engine has crossed such highway, under a penalty of eight dollars for every neglect thereof, to be paid by the Company, who shall also be liable for all damages sustained by any person by reason of such neglect, and one-half of such penalty and damages shall be chargeable to and collected by the Company from the engineer having charge of such engine and neglecting to sound the whistle or ring the bell as aforesaid;

Penalty and damages.

Intoxication of driver or conductor a misdemeanor. 11. Any person in charge of a locomotive engine or acting as the conductor of a car or train of cars, who is intoxicated, shall be guilty of a misdemeanor;

12.

12. Any passenger refusing to pay his fare, may, by the conductor of the train and the servants of the Company, be put out of the train, with his baggage, at any usual stopping place, or near any dwelling house, as the conductor elects, the conductor first stopping the train and using no unnecessary force; Passenger refusing to pay fare may be put out.

13. Any person injured while on the platform of a car, or on any baggage, wood or freight car, in violation of the printed regulations posted up at the time in a conspicuous place inside of the passenger cars then in the train, shall have no claim for the injury, provided room inside of such passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time; Passenger to have no claim if injured when on platform of cars, &c.

14. No passenger shall be entitled to carry, or require the Company to carry upon their railway, aquafortis, oil of vitriol, gunpowder, nitro-glycerine, or any other goods which in the judgment of the Company may be of a dangerous nature; and if any person sends by the said railway any such goods without, at the time of so sending the said goods, distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the station-master or other servant of the Company with whom the same are left, he shall forfeit to the Company the sum of five hundred dollars for every such offence; As to goods of dangerous nature. They must be plainly marked.

15. The Company may refuse to take any package or parcel which they suspect to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact, and it shall not be lawful for the Company to carry any such goods of a dangerous nature except in cars specially designated for that purpose, on each side of each of which shall be plainly painted in large letters the words "dangerous explosives"; and for every default of the observance of this provision the Company shall be liable to forfeit and pay the sum of five hundred dollars, to be recovered by any person suing for the same. Dangerous goods may be refused. In what manner such goods must be carried. 1868 and 1879.

TRAINS OVERDUE.

26. It shall be the duty of every railway Company, upon whose road there is a telegraph line in operation, to have a blackboard put upon the outside of a station-house, over the platform of the station, in some conspicuous place at each station of such Company at which there is a telegraph office; and when any passenger train is overdue for half an hour at any such station according to the time table of such Company, it shall be the duty of the station master or person in charge at such station to write or cause to be written with white chalk on such blackboard a notice in English and French in the Province of Quebec, and in English in the other Duty of station agent, &c., when a train is overdue. Notice to be posted up,

And what to show. other Provinces, stating to the best of his knowledge and belief the time when such overdue train may be expected to reach such station; and if when that time has come, the train has not reached the station, it shall be the duty of the station master or person in charge of the station to write or cause to be written on the blackboard in like manner a fresh notice, stating to the best of his knowledge and belief the time when such overdue train may then be expected to reach such station. *Penalty for contravention.* And every such railway Company, station master or person in charge at any such station, shall be liable to a penalty not exceeding five dollars for any wilful neglect, omission or refusal to obey the provisions aforesaid; *Suits for penalty, how brought. 1873.* and any proceeding for the recovery of any such penalty may be brought, in the Province of Quebec, before any two Justices of the Peace or before the Circuit Court of the district or of the county in which district or county such station is situate, and, in the other Provinces, before any two Justices of the Peace or the Stipendiary or Police Magistrate for the city, town, district or county in which such station is situate:

Application of penalty and limitation of actions. The penalty recoverable under the provisions of this section shall belong to the Crown; and every proceeding brought by virtue of this section shall be commenced within one month following the commission of the offence and not after; *Proviso.* but nothing in this section shall prejudice the right of any person to the recovery of damages from any such railway Company by reason of the detention of trains as aforesaid; *This section to be posted up at stations. 1873.* and every such railway Company is hereby required to have a printed copy of this section posted up in a conspicuous place at each of its stations at which there is a telegraph office.

ACTIONS FOR INDEMNITY; AND FINES AND PENALTIES AND THEIR PROSECUTION.

Limitation of actions for damages. **27.** All suits for indemnity for any damage or injury sustained by reason of the railway shall be instituted within six months next after the time of such supposed damage sustained, or if there be continuation of damage, then within six months next after the doing or committing such damage ceases, and not afterwards; and the defendants may plead the general issue, and give this Act and the Special Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by the authority of this Act and the Special Act:

Fines, how recovered. 2. All fines and forfeitures imposed by Part First of this Act, or the Special Act, or by any by-law, except those for the levying and recovering of which special provision is herein made, shall be recovered in a summary manner before any one or more Justice or Justices of the Peace for the district, county or place where the act occurred;

3.

3. All the fines, forfeitures and penalties recovered under the next preceding paragraph, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the treasurer of the Company, to be applied to the use thereof; How applicable.

4. Any contravention of this Act or of the Special Act by the Company or by any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punishable accordingly; but such punishment shall not exempt the Company, if they be the offending party, from the forfeiture by this Act and the Special Act, of the privileges conferred on them by the said Acts, if by the provisions thereof or by law, the same be forfeited by such contravention. Contravention of this Act, &c., to be a misdemeanor. Proviso.

GENERAL PROVISIONS.

28. Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables or others travelling on Her Majesty's service, shall at all times, when required by the Postmaster General of Canada, the Commander of the Forces, or any person having the superintendence and command of any Police Force, and with the whole resources of the Company if required, be carried on the railway, on such terms and conditions, and under such regulations as the Governor in Council may make; Provision as to the carriage of Her Majesty's Mail, &c.

2. The Company shall, when required so to do by the Governor in Council, or any person authorized by him, place any electric telegraph, and the apparatus and operators they may have, at the exclusive use of the Government, receiving thereafter reasonable compensation for such service; Government to have exclusive use of telegraph, if required.

3. The Governor may, at any time, cause a line or lines of electric telegraph to be constructed along the line of the railway, for the use of the Government, and for that purpose may enter upon and occupy so much of the lands of the Company as may be necessary for the purpose; Telegraph line may be constructed by Governor.

4. Any further enactments which the Parliament of Canada may hereafter make, for the carriage of the Mail or Her Majesty's Forces, and other persons and articles as aforesaid, or the tolls therefor, or in any way respecting the use of any electric telegraph or other service to be rendered to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act or the Special Act; Further enactments may be made by Parliament.

5.

Tenders to be advertised for, as to works not of immediate necessity.

5. No contracts for works of construction or maintenance of the railway, except works of ordinary repair, or of immediate necessity, shall be entered into until after tenders for such works respectively have been invited by public notice therefor, given for at least four weeks in some newspaper published in the place nearest to that at which the work is required to be done, but the Company shall not be compelled to accept any such tender;

Period for subscription of Capital, and completion of Railway.

6. If the construction of the railway be not commenced, and ten per cent. on the amount of the capital be not expended thereon, within three years after the passing of the Special Act, or if the railway is not finished and put in operation in ten years from the passing of such Special Act, the corporate existence and powers of the Company shall cease;

Account to be submitted to Legislature yearly.

7. After the opening of the railway or any part thereof to the public, and within the first fifteen days after the opening of each Session of Parliament, an account shall be annually submitted to the three branches containing a detailed and particular account, attested upon oath of the President, or in his absence, of the Vice-President, of the moneys received and expended by the Company, and a classified statement of the passengers and goods transported by them, with an attested copy of the last annual statement;

Form or details of account may be varied by Parliament.

8. No further provisions which Parliament may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company;

Parliament may dissolve any Corporation formed under this Act.

9. Parliament may at any time annul or dissolve any corporation formed under this Act; but such dissolution shall not take away or impair any remedy given against any such corporation, its shareholders, officers or servants, for any liability which had been previously incurred;

Saving of Her Majesty's Rights, &c.

10. Nothing herein contained shall affect in any manner the rights of Her Majesty, or of any person, or of any body politic, corporate or collegiate, such only excepted as are herein mentioned.

RAILWAY STATISTICS.

Word "Company" what to mean. 1875.

29. In this and the five next following sections the term "Company" means a company incorporated either before or after the passing of this Act, for the purpose of constructing, maintaining or working a railway in the Dominion, or in any Province thereof, or connecting any Province with any other or others of the Provinces, or extending beyond the limits

limits of any Province, by any Act of the Parliament of Canada, or of the late Province of Canada. or of the Legislatures of the late Provinces of Upper Canada, Lower Canada, Nova Scotia, New Brunswick, British Columbia, or Prince Edward Island, or of the Legislatures of any of the Provinces composing the Dominion of Canada (either alone or in conjunction with any other purpose), and includes any individual or individuals not incorporated, who are owners or lessees of a railway in the Dominion, or parties to an agreement for working a railway i the Dominion:

The term "person" includes a body corporate. **Person. 1875.**

30. Every Company shall annually prepare returns of their capital in accordance with the form contained in Schedule One to this Act, and a copy of such returns signed by the President or other head officer of the Company resident in Canada and by the officer of the Company responsible for the correctness of such return or any part thereof, shall be forwarded by the Company to the Minister of Public Works, not later than three months after the end of the calendar year; together with a copy of the then last annual return of the traffic and working expenditure which every such Company is required to keep, in accordance with the provisions of their respective Acts of incorporation, to be verified in manner and form aforesaid. and furnished in such form as the Minister of Public Works shall approve of or prescribe. Any Company which fails to forward the said returns in accordance with the provisions of this section, shall be liable to a penalty not exceeding ten dollars for every day during which such default continues. **Companies to furnish yearly returns to Government; and in what form and with what details. 1876.**

31. Every Company shall weekly prepare returns of their traffic for the last preceding seven days in accordance with the form contained in Schedule Two to this Act, and a copy of such returns signed by the officer of the Company responsible for the correctness of such return, shall be forwarded by the Company to the Minister of Public Works within seven days from the, day in each week to which the said returns shall have been prepared; and another copy of each of such returns, signed by the same officer,shall be posted up by the Company within the same delay, and kept posted up for seven days, in some conspicuous place in the most public room in the head office of the Company in Canada, and so as the same can be perused by all comers; and free access thereto shall be allowed to all comers during the usual hours of business at such office on each day of the said seven not being a Sunday or holiday: **Weekly returns for publication to be furnished by Companies: and copy to be posted up in Head Office. 1875.**

And every Company which fails to forward the said weekly return to the Minister of Public Works, or which fails to post up and keep posted up a copy thereof as aforesaid, **Penalty for default. 1875.**

said, and allow free access thereto as aforesaid, shall be liable to a penalty not exceeding ten dollars for every day during which such default continues.

Penalty for false return. 1875.

32. If any return which is required by the two next preceding sections is false in any particular to the knowledge of any person who signs the same, such person shall be liable, on conviction thereof on indictment, to fine and imprisonment,—such fine not to exceed two hundred and fifty dollars;

How recoverable. 1876.

2. All penalties imposed by this or the two next preceding sections shall be recoverable by the person suing for the same for his own use and benefit in any court having jurisdiction in civil cases to the amount.

Report to Parliament. 1875.

33. The Minister of Public Works shall lay before both Houses of Parliament within twenty-one days from the commencement of each Session, the returns made and rendered to him, in pursuance of section thirty of this Act.

Returns to be privileged. 1875.

34. All returns made in pursuance of any of the provisions of this Act, shall be privileged communications, and shall not be evidence in any court whatsoever.

PART SECOND.

THE RAILWAY COMMITTEE.

Railway Committee constituted.

Duties.

35. The Governor General may, from time to time, appoint such Members of the Privy Council, to the number of four at least, as he may see fit, to constitute the Railway Committee of the Privy Council, and such Committee shall have the powers and perform the duties assigned to them by this Act.

May appoint a Chairman and a Secretary.

36. The Railway Committee shall appoint one of its members to be Chairman, and the Deputy of the Minister of Public Works, or some other fit person appointed by the Committee, shall be the Secretary of the Committee.

Railway not to be opened till after one month's notice to Railway Committee of intention to open the same.

37. No railway or portion of any railway shall be opened for the public conveyance of passengers until one month after notice in writing of the intention to open the same has been given by the Company to whom the railway belongs to t Railway Committee, and until ten days after notice in writing has been given by the Company, to the Railway Committee, of the time when the railway or portion of railway will be, in the opinion of the Company, sufficiently completed for the safe conveyance of passengers, and ready for inspection.

38

38. If any railway or portion of a railway be opened without such notices, the Company to whom such Railway belongs shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the same continues open, until the notices have been duly given and have expired. **Penalty for contravention.**

39. The Railway Committee, upon receiving such notification, shall direct one or more of the engineers attached to the Department of Public Works to examine the railway proposed to be opened, and all bridges, culverts, tunnels, road crossings and other works and appliances connected therewith, and also all engines and other rolling-stock intended to be used thereon, and if the inspecting engineer or engineers report in writing to the Railway Committee that, in his or their opinion, the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or the insufficiency of the establishment for working such railway, together with the ground of such opinion, the Railway Committee, with the sanction of the Governor in Council, and so from time to time, as often as such engineer or engineers, after further inspection thereof so report, may order and direct the Company to whom the railway belongs to postpone such opening not exceeding one month at any one time, until it appears to the Committee that such opening may take place without danger to the public. **Railway Committee upon report of an engineer and sanction of Governor in Council may postpone the opening of road.**

40. If any railway, or any portion thereof, be opened contrary to such order or direction of the Railway Committee, the Company to whom the railway belongs shall forfeit to Her Majesty, the sum of two hundred dollars for every day during which the same continues open contrary to such order or direction. **Penalty for opening contrary to the order of the Committee.**

41. No such order shall be binding upon any railway Company unless therewith is delivered to the Company a copy of the report of the inspecting engineer or engineers on which the order is founded. **When only such order to be binding on the Company.**

42. The Railway Committee, whenever they receive information to the effect that any bridge, culvert, viaduct, tunnel, or any other portion of any railway, or any engine, car, or carriage used or for use on any railway, is dangerous to the public using the same, from want of repair, insufficient or erroneous construction or from any other cause, or whenever circumstances may arise which, in their opinion, render it expedient, may direct any engineer or engineers as aforesaid to examine and inspect the railway or any portion thereof, or of the works connected therewith, or the engines and other rolling-stock in use thereon or any portion thereof; and upon the report of the engineer or engineers may condemn the railway, or any portion thereof, or any of the rolling-stock **Committee may cause any work to be inspected, and may, on report of engineer, condemn the railway or rolling stock, with sanction of Governor in Council, and may order certain alterations in the works, &c.**

rolling-stock or other appliances used thereon, and with the approval of the Governor in Council, may require any change or alteration therein or in any part thereof, or the substitution of any new bridge, culvert, viaduct or tunnel, or of any material for the said railway; and thereupon the Company to which such railway belongs, or the Company using, running or controlling the same, shall, after notice thereof in writing signed by the Chairman of the Committee and countersigned by the Secretary thereof, proceed to make good or remedy the defects in the said portions of the railway, or in the locomotive, car or carriage which have been so condemned, or shall make such change, alteration or substitution hereinbefore referred to, as has been required in manner aforesaid by the Committee.

Inspecting engineer may, in case of danger, forbid the running of trains, &c.

43. If in the opinion of any such engineer, it is dangerous for trains or vehicles to pass over any railway, or any portions thereof, until alterations, substitutions or repairs have been made thereon, or that any particular car, carriage or locomotive should be run or used, the said engineer may forthwith forbid the running of any train or vehicle over such railway or portion of railway, or the running or using of any such car, carriage or locomotive, by delivering or causing to be delivered to the President, Managing Director, or Secretary or Superintendent of the Company owning, running or using such railway, or to any officer having the management or control of the running of trains on such railway, a notice in writing to that effect with his reasons therefor, in which he shall distinctly point out the defects or the nature of the danger to be apprehended.

Must report to the Committee, who may confirm or disallow his order.

44. The inspecting engineer shall forthwith report the same to the Railway Committee, who, with the sanction of the Governor in Council, may either confirm, modify or disallow the act or order of the inspecting engineer, and such confirmation, modification or disallowance shall be duly notified to the railway Company affected thereby.

Power of engineer to examine the works, &c.

45. Any engineer or engineers so appointed as aforesaid to inspect any railway or works, may at all reasonable times, upon producing his or their authority if required, enter upon and examine the said railway and the stations, fences or gates, road crossings, cattle-guards, works and buildings, and the engines, cars and carriages belonging thereto.

Company to afford all necessary information to engineer.

46. Every railway Company and the officers and Directors thereof shall afford to the inspecting engineer or engineers such information as may be within their knowledge and power in all matters inquired into by them, and shall submit to such inspecting engineer or engineers all plans, specifications, drawings and documents relating to the construction, repair or state of repair of such railway or any portion thereof, whether a bridge, culvert or other part;

2.

2. Any such inspecting engineer shall have the right, whilst engaged in the business of such inspection, to travel without charge on any of the ordinary trains running on the railway, and to use the telegraph wires and machinery in the offices of or under the control of any such railway company: **Engineer to be conveyed by Company.**

3. The operators or officers employed in the telegraph offices of or under the control of the company, shall, without unnecessary delay, obey all orders of any such inspecting engineer for transmitting messages; and any such operator or officer refusing or neglecting so to do, shall forfeit for every such offence the sum of forty dollars: **Telegraph operators to obey his orders.**

4. The authority of any such inspecting engineer shall be sufficiently evidenced by instructions in writing, signed by the chairman of the Railway Committee and countersigned by the secretary thereof. **Proof of his authority.**

47. The Governor in Council, upon the report of the Railway Committee, may authorize or require any railway company to construct fixed and permanent bridges, or to substitute such bridges in the place of the swing, draw or movable bridges on the line of such railway, within such time as the Governor in Council directs; and for every day after the period so fixed during which the company uses such swing, draw or movable bridges, the company shall forfeit and pay to Her Majesty the sum of two hundred dollars; and it shall not be lawful for any railway company to substitute any swing, draw or movable bridge in the place or stead of any fixed or permanent bridge already built and constructed without the previous consent of the Railway Committee. **Governor may order permanent bridges to be substituted for movable bridges.** **Penalty for neglect.**

48. In any case where a railway is constructed, or authorized to be constructed, across any turnpike road, street or other public highway, on the level, the Railway Committee, if it appears to them necessary for the public safety, may, with the sanction of the Governor in Council, authorize and require the company to whom such railway belongs, within such time as the said committee directs, to carry such road, street or highway either over or under the said railway, by means of a bridge or arch, instead of crossing the same on the level, or to execute such other works as under the circumstances of the case appear to the said committee the best adapted for removing or diminishing the danger arising from such level crossing; and all the provisions of law at any such time applicable to the taking of land by railway companies and its valuation and conveyance to them, and to the compensation therefor, shall apply to the case of any land required for the construction of any works for effecting the alteration of such level crossing. **Certain powers vested in Railway Committee with respect to crossing public highways, on a level.**

 49.

Railway Company may be required to repair any level crossing out of repair.

49. Whenever any level crossing on any railway shall be out of repair, the chief officer of the municipality, or other local division, having jurisdiction over the highway so crossed, may serve a notice upon the company in the usual manner, requiring the repair to be forthwith made; and if the company shall not forthwith make the same, such officer may transmit a copy of the notice so served to the secretary of the Railway Committee; and thereupon it shall be the duty of the committee, with all possible despatch, to appoint a day for an examination into the matter; and the committee shall by mail give notice to such chief officer, and to the company, of the day so fixed; and upon the day so named such crossings shall be examined by an engineer appointed by the Railway Committee; and any certificate under his hand shall be final on the subject so in dispute between the parties; and if the said engineer determines that any repairs are required, he shall specify the nature thereof in his certificate, and direct the company to make the same; and the company shall thereupon, with all possible despatch, comply with the requirement of such certificate; and in case of default the proper authority in the municipality or other local division, within whose jurisdiction the said crossing is situate, may make such repairs, and may recover all costs, expenses and outlays in the premises, by action against the company in any court of competent jurisdiction, as money paid to the company's use: Provided always, that neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to such company in the premises.

Inspecting Engineer's certificate to be conclusive.

Proviso.

When the Committee may regulate speed of trains, times of running, &c.

50. The Railway Committee, or the inspecting engineer or engineers, may limit the number of times or rate of speed of running of trains or vehicles, upon any railway or portion of railway, until such alterations or repairs as they or he may think sufficient have been made, or until such times as they or he think prudent; and the company owning, running or using such railway shall comply forthwith with any such order of the Railway Committee or inspecting engineer, upon notice thereof as aforesaid; and for every act of non-compliance therewith every such railway company shall forfeit to Her Majesty the sum of two thousand dollars

Penalty for non-compliance.

Notice of accidents to be given to the Committee.

51. Every railway company shall, as soon as possible, and at least within forty-eight hours after the occurrence upon the railway belonging to such company of any accident attended with serious personal injury to any person using the same, or whereby any bridge, culvert, viaduct or tunnel on or of the railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof to the Railway Committee; and if any company wilfully omits to give such notice such company shall forfeit

feit to Her Majesty the sum of two hundred dollars for every day during which the omission to give the same continues.

Inspection not to relieve Company from liability.

52. No inspection had under this Act, nor anything in this Act contained or done or ordered or omitted to be done or ordered under or by virtue of the provisions of this Act, shall relieve or be construed to relieve any railway company of or from any liability or responsibility resting upon it by law, either towards Her Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or other personal representative of any person, for any thing done or omitted to be done by such company, or for any wrongful act, neglect or default, misfeasance, malfeasance or nonfeasance, of such company, or in any manner or way to lessen such liability or responsibility, or in any way to weaken or diminish the liability or responsibility of any such company under the laws in force in the Province in which such liability or responsibility arises.

Company to notify orders of Committee to its officers, &c.

53. Every railway company, shall, as soon as possible after the receipt of any order or notice of the Railway Committee or inspecting engineer, give cognizance thereof to each of its officers and servants, in one or more of the ways mentioned in the sixty-fourth section of this Act.

What to be deemed sufficient notice thereof.

54. All orders of the Railway Committee shall be considered as made known to the railway company by a notice thereof signed by the chairman and countersigned by the secretary of the committee, and delivered to the president, vice-president, managing director, secretary or superintendent of the company, or at the office of the company; and orders of the inspecting engineer or engineers shall be deemed to be made known to the railway company, by a notice thereof, signed by the engineer or engineers, and delivered as above mentioned.

Return of accidents to be made semi-annually, and what to contain.

55. Every railway company shall, within one month after the first days of January and July, in each and every year, make to the Railway Committee, under the oath of the president, secretary or superintendent of the company, a true and particular return of all accidents and casualties (whether to life or property) which have occurred on the railway of the company during the half year next preceding each of the said periods respectively, setting forth,—

1. The causes and natures of such accidents and casualties;

2. The points at which they occurred and whether by night or by day;

3.

3. The full extent thereof, and all the particulars of the same; and—

Copy of By-laws.

4. Shall also at the same time return a true copy of the existing by-laws of the company, and of their rules and regulations for the management of the company and of their railway.

Form of return to be appointed by the Railway Committee.

56. The Railway Committee may order and direct, from time to time, the form in which such returns shall be made up, and may order and direct any railway company to make up and deliver to them from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the railway belonging to such company, whether attended with personal injury or not, in such form and manner as the committee deem necessary and require for their information with a view to the public safety.

Penalty for neglect.

57. If such returns so verified be not delivered within the respective times herein prescribed, or within fourteen days after the same have been so required by the committee, every company making default shall forfeit to Her Majesty the sum of one hundred dollars for every day during which the company neglects to deliver the same.

Such returns to be privileged communications.

58. All such returns shall be privileged communications and shall not be evidence in any court whatsoever.

Railway Committee to have, with respect to certain Railways, the powers of the former Railway Commissioners.

59. With respect to all railways coming within the jurisdiction of the Parliament of Canada, to which the provisions of the Railway Act, chapter sixty-six of the Consolidated Statutes of Canada, apply, the Railway Committee constituted by this Act shall be invested with all the rights and powers vested in the Board of Railway Commissioners under the said Act, collectively, or in any single member thereof; and such powers may be exercised by the said committee collectively or by any single member thereof, as the case may be, in the same manner and as effectually as they might have been exercised by the said Board of Railway Commissioners; but any inspection that may be required in respect of any such railway, shall be performed in conformity with the provisions of this Act:

And may continue proceedings commenced by R Commissioners.

2. All proceedings heretofore commenced by the said Board of Railway Commissioners may be taken up and continued; and all orders and regulations of the said board, and all penalties and forfeitures, for their contravention, may be enforced and recovered by the Railway Committee in the same manner and with the same effect as they might have been by the said board before the passing of this Act.

TRAFFIC

TRAFFIC ARRANGEMENTS.

60. The directors of any railway company may, at any time, make agreements or arrangements with any other company, either in canada or elsewhere, for the regulation and interchange of traffic passing to and from their railways, and for the working of the traffic over the said railways respectively, or for either of those objects separately, and for the division and apportionment of tolls, rates and charges in respect of such traffic, and generally in relation to the management and working of the railways, or any of them, or any part thereof, and of any railway or railways in connection therewith, for any term not exceeding twenty-one years, and to provide either by proxy or otherwise, for the appointment of a joint committee or committees for the better carrying into effect any such agreement or arrangement, with such powers and functions as may be considered necessary or expedient, subject to the consent of two thirds of the stockholders voting in person or by proxy: **One Company may agree with another respecting traffic.**

2. But every railway company shall, according to their respective powers, afford all reasonable facilities to any other railway company for the receiving and forwarding and delivering of traffic upon and from the several railways belonging to or worked by such companies respectively, and for the return of carriages, trucks, and other vehicles; and no company shall give or continue any preference or advantage to, or in favour of any particular company, or any particular description of traffic, in any respect whatsoever, nor shall any company subject any particular company or any particular description of traffic to any prejudice or disadvantage in any respect whatsoever; and every railway company having or working a railway which forms part of a continuous line of railway, or which intersects any other railway, or which has any terminus, station or wharf of the one near any terminus, station or wharf of the other, shall afford all reasonable facilities for receiving and forwarding by the one railway all the traffic arriving by the other, without any unreasonable delay, and without any preference or advantage, or prejudice or disadvantage, and so that no obstruction may be offered in the using of such railway as a continuous line of communication, and so that all reasonable accommodation may at all times, by the means aforesaid, be mutually afforded by and to the said railway companies; and any agreement made between any two or more railway companies contrary to the foregoing provisions, shall be unlawful, null and void: **Railway Companies must afford each other every facility for the forwarding of traffic, without preference or favor.** **Agreements made in contravention of this Act to be void.**

3. Any railway company granting any facilities to any incorporated express company shall grant equal facilities on equal terms and conditions to any other incorporated express company demanding the same: **Must grant equal facilities to all express companies.**

4.

Penalty on Companies or their officers refusing or neglecting to forward traffic as above required.

4. If any officer, servant or agent of any railway company, having the superintendence of the traffic at any station or depot thereof, refuses or neglects to receive, convey or deliver at any station or depot of the company for which they may be destined, any passenger, goods or things, brought, conveyed or delivered to him or such company, for conveyance over or along their railway from that of any other company, intersecting or coming near to such first-mentioned railway, or in any way wilfully contravenes the provisions of the second subsection of this section,—such first-mentioned railway company, or such officer, servant or agent, personally, shall, for each such neglect or refusal, incur a penalty not exceeding fifty dollars over and above the actual damages sustained; which penalty may be recovered with costs, in a summary way, before any Justice of the Peace, by the railway company or any other party aggrieved by such neglect or refusal, and to and for the use and benefit of the company, or other party so aggrieved:

How recoverable and how to be applied.

Interpretation of word "Traffic."

5. For the purposes of the four next preceding subsections, the word "Traffic" includes not only passengers and their baggage, goods, animals and things conveyed by railway, but also cars, trucks and vehicles of any description adapted for running over any railway; the word "railway" includes all stations and depots of the railway; and a railway shall be deemed to come near another when some part of the one is within one mile of some part of the other.

"Railway Company," &c.

RAILWAY CONSTABLES.

Constables may be appointed to act on the line of any Railway, and how.

61. The Justices of the Peace for any county in the Provinces of Ontario, Nova Scotia or New Brunswick or Prince Edward Island, assembled at any General or Quarter Sessions of the Peace, and any Judge of the Court of Queen's Bench or Superior Court, or Clerk of the Peace, or Clerk of the Crown, or Judge of the Sessions of the Peace, in the Province of Quebec, on the application of the board of directors of any railway company, whose railway passes within the local jurisdiction of such Justices of the Peace, judge, clerk, or Judge of the Sessions of the Peace, as may be, or on the application of any clerk or agent of such company thereto authorized by such board, may, in their or his discretion, appoint any persons recommended to them for that purpose by such board of directors, clerk or agent, to act as constables on and along such railway; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say:—

Oath of office.

"I, A. B, having been appointed a constable to act upon "and along (*here name the railway*), under the provisions of "(*here insert the title of this Act*), do swear that I will well "and

"and truly serve Our Sovereign Lady the Queen, in the said "office of constable, without favour or affection, malice or ill-"will, and that I will, to the best of my power, cause the "peace to be kept, and prevent all offences against the peace; "and that while I continue to hold the said office, I will, to "the best of my skill and knowledge, discharge the duties "thereof faithfully, according to law. So help me God."

By whom to be administered.

And see s. 101 as to other Provinces. 1878.

Powers of such Constables, and to what localities they shall extend.

2. Such oath or declaration shall be administered in either of the Provinces of Ontario, Nova Scotia or New Brunswick or Prince Edward Island, by any one such justice, and in the Province of Quebec by any such judge, clerk, or Judge of the Sessions of the Peace; and every constable so appointed, and having taken such oath or made such declaration, shall have full power to act as a constable for the preservation of the peace, and for the security of persons and property against felonies and other unlawful acts, on such railway, and on any of the works belonging thereto, and on and about any trains, roads, wharves, quays, landing-places, warehouses, lands and premises belonging to such company, whether the same be in the county, city, town, parish, district or other local jurisdiction within which he was appointed, or in any other place through which such railway passes, or in which the same terminates, or through or to which any ailway passes, which may be worked or leased by such railway company, and in all places not more than one-quarter of a mile distant from such railway or railways; and shall have all such powers, protections and privileges for the apprehending of offenders, as well by night as by day, and for doing all things for the prevention, discovery and prosecution of felonies and other offences, and for keeping the peace, which any constable duly appointed has within his constable-wick; and it shall be lawful for any such constable to take such persons as may be punishable by summary conviction for any offence against the provisions of this Act, or of any of the Acts or by-laws affecting any such railway, before any justice or justices appointed for any county, city, town, parish, district or other local jurisdiction within which any such railway may pass; and every such justice shall have authority to deal with all such cases, as though the offence had been committed and the person taken within the limits of his own local jurisdiction:

Further duties and powers of such Constables.

Dismissal of any such Constable. *And see s. 101.*

3. Any two Justices of the Peace, in either of the Provinces of Ontario, Nova Scotia or New Brunswick or Prince Edward Island, and any Judge of the Court of Queen's Bench or Superior Court, or Clerk of the Peace, or Clerk of the Crown, or Judge of the Sessions of the Peace, in the Province of Quebec, may dismiss any such constable, who may be acting within their several urisdictions; and the Board of Directors of such railway company

company, or any clerk or agent of such company thereto authorized by such Board, may dismiss any such constable who may be acting on such railway; and upon every such dismissal, all powers, protections and privileges belonging to any such person by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed or act as constable for such railway, without the consent of the authority by which he was dismissed:

Record of appointment of each Constable to be kept. 1868 *and* 1879.

4. Every such railway company shall cause to be recorded in the office of the Clerk of the Peace for every county, city, town, parish, district or other local jurisdiction wherein such railway or railways may pass, the name and designation of every constable so appointed at their instance, the date of his appointment, and the authority making it, and also the fact of every dismissal of any such constable, the date thereof, and the authority making the same, within one week after the date of such appointment or dismissal, as may be; and the Clerk of the Peace shall keep such record in a book, to be open to public inspection, charging such fee or fees as the Railway Committee may from time to time authorize, and in such form as the committee may, from time to time, direct:

Punishment of Constables guilty of neglect of duty.

5. Every such constable who is guilty of any neglect or breach of duty in his office of constable, shall be liable, on summary conviction thereof, within any county, city, district or other local jurisdiction wherein such railway may pass, to a penalty of not more than eighty dollars, the amount of which penalty may be deducted from any salary due to such offender, if such constable be in receipt of a salary from the railway company, or to imprisonment, with or without hard labour, for not more than two months, in the gaol of such county, city, district or other local jurisdiction:

And of persons resisting them.

6. Every person who assaults or resists any constable appointed as aforesaid, in the execution of his duty, or who incites any person so to do, shall, for every such offence, be liable, on summary conviction, to a penalty of not more than eighty dollars, or to imprisonment, with or without hard labour, for not more than two months.

GENERAL PROVISIONS.

Companies to make by-laws for regulation of conductors and other officers, &c.

62. Every railway company shall make such by-laws, rules and regulations, to be observed by the conductors, engine-drivers and other officers and servants of the company, and by all other companies and persons using the railway of such company, and such regulations with regard to the construction of the carriages and other vehicles, to be used in the trains on the railway of the company, as are requisite for ensuring the perfect carrying into effect of the provisions

provisions of this Act, and the orders and regulations of the Railway Committee:

2. The company may, from time to time, repeal or alter such by-laws and make others, provided that such by-laws be not repugnant to the provisions of this Act or the Act incorporating the company, or any Act or Acts amending any of them: **Altering by-laws. 1875.**

3. And such by-laws shall be reduced into writing and shall have affixed thereto the common seal of the company: **Form. 1875.**

4. Any of the conductors, engine-drivers, and other officers and servants of the company or other railway companies using any railway, offending against any such by-law shall forfeit for every such offence a sum not exceeding forty dollars,—such forfeiture to be imposed by the company in such by-law as a penalty for every such offence: **Imposing penalties. 1875.**

5. If the infraction or non-observance of any such by-law, by any of the classes in the next preceding sub-section mentioned, be attended with danger or annoyance to the public, or hindrance to the company in the lawful use of the railway, it shall be lawful for the company summarily to interfere, using no violence or unnecessary force, to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to any penalty incurred by the infraction of any such by-law: **Summary interference in certain cases. 1875.**

6. No such by-law shall have force or effect unless or until it has been approved by the Governor in Council: **Sanction. 1875.**

7. The substance of any such by-law, when approved as aforesaid, if it affects any officer or servant of the company, may be proved by proving the delivery of a copy to or its receipt by such officer or servant; and if it affects any other railway company using the railway, shall be painted on boards, or printed on paper and pasted on boards, and hung up and affixed, and continued on the front or other conspicuous part of every wharf or station belonging to the company, according to the nature or subject matter of such by-laws respectively, and so as to give public notice thereof to the parties interested therein, or affected thereby; and such boards shall, from time to time, be renewed as often as the by-laws thereon or any part thereof shall be obliterated or destroyed; and no penalty imposed by any such by-law shall be recoverable unless the same shall have been published, and kept published in manner aforesaid: **How such by-laws shall be notified to railway servants and the public. 1875.**

8. Such by-laws, when so confirmed, shall be binding upon and be observed by all parties mentioned in the fourth sub-section of this section, and shall be sufficient to justify all persons acting **What parties to be bound by such by-laws. 1875.**

acting under the same; and for proof of the publication of any such by-laws affecting only any other railway company using the railway, it shall be sufficient to prove that a printed paper or painted board, containing a copy of such by-laws, was affixed and continued in manner by this section directed, and in case of its being afterwards displaced or damaged, then that such paper or board was replaced as soon as conveniently might be.

Proof thereof. 1875.

Company may impose penalties for contravention of by-laws.

63. Any railway company may, by a by-law, impose upon any officer, servant or person who, before the contravention of such by-law has had notice thereof and is employed by the company, a forfeiture to the company of not less than thirty days' pay of such officer or servant, for any contravention of such by-law, and may retain any such forfeiture out of the salary or wages of the offender.

How notice of by-laws or orders may be proved.

64. The notice of the by-law or of any order or notice of the Railway Committee, or of the inspecting engineer or engineers, may be proved by proving the delivery of a copy thereof to the officer, servant or person, or that he signed a copy thereof, or that a copy thereof was posted in some place where his work or his duties, or some of them, were to be performed.

When such proof, &c., shall be a defence for the Company.

65. Such proof, with a proof of the contravention, shall be a full answer and defence for the company in any suit for the recovery of the amount so retained, and such forfeiture shall be over and above any penalty under this Act.

Not to impede navigation.

66. No such company shall cause any obstruction in or impede the free navigation of any river, stream or canal to or across or along which their railway is carried.

Railways crossing rivers, &c., regulated.

67. If the railway be carried across any navigable river or canal, the company shall leave openings between the abutments or piers of their bridge or viaduct over the same, and shall make the same of such clear height above the surface of the water, or shall construct such draw-bridge or swing-bridge over the channel of the river, or over the whole width of the canal, and shall be subject to such regulations as to the opening of such swing-bridge or draw-bridge as the Governor in Council from time to time makes:

As to bridges over navigable rivers of Canada. 1879.

2. No railway company shall, from and after the first day of August, 1879, be allowed to pass over any canal, or over the navigable channel of any river, without having first laid such proper flooring under and on both sides of their railway track over such canal or channel, as shall be deemed by the Minister of Public Works sufficient to prevent any thing falling from the railway into such canal or river, or upon the boats or vessels, or craft, or persons navigating such canal or river.

68. It shall not be lawful for any such company to construct any wharf, bridge, pier or other work upon or over any navigable river, lake or canal, or upon the beach or bed or lands covered with the waters thereof, until they have first submitted the plan and proposed site of such work to the Railway Committee, and the same has been approved; and no deviation from such approved site or plan shall be made without the consent of the committee. Plans to be submitted to the Governor in Council.

69. Nothing contained in the three next preceding sections of this Act, shall be construed to limit or affect any power expressly given to any railway company by its Special Act of incorporation or any Special Act amending the same. Exception where special powers are given by the Special Act.

70. In all cases where a railway passes any draw or swing-bridge over a navigable river, canal or stream which is subject to be opened for the purposes of navigation, the trains shall in every case be stopped at least three minutes, to ascertain from the bridge tender that the said bridge is closed and in perfect order for passing, and in default of so stopping during the full period of three minutes, the said railway company shall be subject to a fine or penalty of four hundred dollars. When a Railway passes over a swing-bridge, &c., train to stop for three minutes.

71. Whenever any railway company or other road company is lawfully incorporated by an Act of a Provincial Legislature, with power to construct a railway or other road on a line intersected by any navigable water, and it is necessary for such construction that such road should be carried across or along such navigable water, the sixty-sixth, sixty-seventh, sixty-eighth and seventieth sections of this Act shall, subject to the provisions hereinafter made, apply to such company in respect of the carrying such road by such company across or along such navigable water: Certain sections to apply to Provincial Companies crossing navigable waters. 1876.

2. Any company proposing to construct any work under this section shall give public notice for six weeks, in two newspapers published nearest the site of the proposed work, that the plan and proposed site has been submitted to the Railway Committee of the Privy Council under the sixty-eighth section, and that it is intended to apply to the Governor in Council to authorize the work: Notice to be given by any such Company. 1876.

3. Subject to the provisions of the said sixty-sixth, sixty-seventh, sixty-eighth and seventieth sections, the Governor in Council may, after the expiration of the notice prescribed by the second sub-section of this section, authorize such company to carry such road across or along such navigable water, pursuant to a plan and on a site to be approved by the Railway Committee under the said sixty-eighth section, upon such conditions as shall appear reasonable: How only the railway may be constructed in such places. 1876.

Proviso.

able: Provided that no unnecessary damage be caused to any lands by reason of the work, and that compensation be made for any damage caused to any lands by reason of the work,—the amount of such compensation in case of disagreement to be settled under the provisions of this Act:

Act respecting Bridges, 35 V., c. 25, to apply. 1876.

4. In case any company constructs any work under the provisions of this section, such company shall, as to the work so constructed but no further or otherwise, be subject to the provisions of the Act passed in the thirty-fifth year of Her Majesty's reign, intituled "*An Act respecting Bridges,*" and the whole of such work shall be deemed to be "bridge" within the purview of the said Act and subject to all the provisions thereof:

Power reserved to Parliament. 1876.

5. Parliament may, at any time, annul or vary any order of the Governor in Council, made under the third sub-section of this section; and no such legislation shall be deemed an infringement of the rights of the company.

Not to apply to certain rivers. 1876.

6. No order shall be made under this section to authorize the crossing of the River St. Lawrence or the River St. John.

Company to use the best apparatus for communication between conductors and engine-drivers, and for stopping or disconnecting cars, fixing seats in cars, &c.

72. Every railway company which runs trains upon the railway for the conveyance of passengers shall provide and cause to be used in and upon such trains such known apparatus and arrangements as best afford good and sufficient means of immediate communication between the conductors and the engine-drivers of such trains while the trains are in motion, and good and sufficient means of applying by the power of the steam-engine or otherwise at the will of the engine-driver, or other person appointed to such duty, the brakes to the wheels of the locomotive or tender, or both, or of all or any of the cars or carriages composing the trains, and of disconnecting the locomotive, tender and cars or carriages from each other by any such power or means, and also such apparatus and arrangements as best and most securely place and fix the seats or chairs in the cars or carriages, and shall alter such apparatus and arrangements or supply new apparatus and arrangements from time to time as the Railway Committee may order.

Penalty for not complying with the 72nd section.

73. Every railway company which fails to comply with any of the provisions contained in the next preceding section of this Act, shall forfeit to Her Majesty a sum not exceeding two hundred dollars for every day during which such default continues.

Further precautions at level crossings.

74. Every railway company shall station an officer at every point on their line crossed on a level by any other railway, and no train shall proceed over such crossing until signal has been made to the conductor thereof that the way is clear.

75. Every locomotive or railway engine or train of cars, on any railway, shall, before it crosses the track of any other railway on a level, be stopped for at least the space of one minute.

Further precautions when one Railway crosses another on a level.

76. No locomotive or railway engine shall pass in or through any thickly peopled portion of any city, town or village at a speed greater than six miles per hour, unless the track is properly fenced.

Or runs through a city, town, &c.

77. Whenever any train of cars is moving reversely in any city, town or village, the locomotive being in the rear, the Company shall station on the last car in the train a person who shall warn parties standing on or crossing the track of such railway, of the approach of such train; and for any contravention of the provisions of this and the three next preceding sections the company shall incur a penalty of one hundred dollars.

Or moves reversely.

78. If the Railway Committee orders any railway company to erect at or near or in lieu of any level crossing of a turnpike road, or other public highway, a foot-bridge or foot-bridges over their railway for the purpose of enabling persons passing on foot along such turnpike road or public highway to cross the railway by means of such bridge or bridges, then, from and after the completion of such foot-bridge or foot-bridges so required to be erected, and while the company keeps the same in good and sufficient repair, such level crossing shall not be used by foot passengers on the said turnpike road or public highway, except during the time when the same is used for the passage of carriages, carts, horses or cattle along the said road.

Foot passengers to use foot bridge, if provided for that purpose at level crossing.

79. No horses, sheep, swine or other cattle shall be permitted to be at large upon any highway within half a mile of the intersection of such highway with any railway on grade, unless such cattle are in charge of some person or persons to prevent their loitering or stopping on such highway at such intersection.

No cattle to be allowed to be at large on any highway within half a mile of any Railway.

80. All cattle found at large in contravention of the last preceding section may, by any person finding the same at large, be impounded in the nearest pound to the place where the same are so found, and the pound-keeper with whom the same are so impounded shall detain the same in the like manner, and subject to the like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property.

Such cattle may be impounded.

81. No person, any of whose cattle being at large, contrary to the provisions of section seventy-nine, are killed by any

If killed, owner not

Entitled to any action.

any train at such point of intersection, shall have any action against any railway company in respect to the same being so killed.

Crossings to be fenced.

82. At every road and farm crossing on the grade of the railway, the crossing shall be sufficiently fenced on both sides so as to allow the safe passage of the trains.

Ground belonging to the Company to be cleared of weeds, &c.

83. Every railway company shall cause all thistles and other noxious weeds growing on the cleared land or ground adjoining the railway and belonging to such company to be cut down and kept constantly cut down, or to be rooted out of the same.

Consequences of omitting to do so.

84. If any railway company fails to comply with the requirements of the last preceding section within twenty days after they have been required to comply with the same, by notice from the mayor, reeve, or chief officer of the municipality of the township, county or district in which the land or ground lies, or from any Justice of the Peace therein, such company shall thereby incur a penalty of two dollars to the use of the municipality, and in the Provinces of Nova Scotia and New Brunswick, to the overseer of the poor for the locality, for each day during which they neglect to do anything which they are lawfully required to do by such notice, and the said mayor, reeve or officer or Justice of the Peace may cause all things to be done which the said company were lawfully required to do by such notice, and for that purpose may enter by himself and his assistants or workmen upon such lands or grounds, and may recover the expenses and charges incurred in so doing, and the said penalty, with costs of suit, in any court having jurisdiction in civil cases to the amount sought to be recovered.

Interest of purchase money or rent of real property to be deemed working expenses.

85. The interest of the purchase-money or rent of any real property acquired or leased by any railway company, and necessary to the efficient working of such railway, and the price or purchase-money of any real property or thing, without which the railway could not be efficiently worked, shall be considered to be part of the expenses of working such railway, and shall be paid as such out of the earnings of the railway.

PENAL CLAUSES.

Penalty on persons obstructing free use of Railway.

86. Every person who, by any means or in any manner or way whatsoever, obstructs or interrupts the free use of the railway, or the carriages, vessels, engines or other works incidental or relative thereto, or connected therewith, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the common gaol of the district or county where the conviction takes place, for any term

term less than two years; or in the penitentiary, for a term not to exceed five years, and not less than two years.

87. All persons wilfully and maliciously, and to the prejudice of the railway, breaking, throwing down, damaging or destroying the same, or any part thereof, or any of the buildings, stations, depots, wharves, vessels, fixtures, machinery or other works or devices incidental or relative thereto, or connected therewith, or doing any other wilful hurt or mischief, or wilfully or maliciously obstructing or interrupting the free use of the railway, vessels or works, or obstructing, hindering or preventing the carrying on, completing, supporting and maintaining the railway, vessels or works, shall be guilty of a misdemeanour,—unless the offence committed amounts, under some other Act or law, to a felony, in which case such person shall be guilty of a felony; and the court by and before whom the person is tried and convicted may cause such person to be punished in like manner as persons guilty of misdemeanour or felony, as the case may be, are directed to be punished by the laws in force in Canada.

Penalty on persons damaging Railway.

If the offence be a felony.

88. If any person wilfully and maliciously displaces or removes any railway switch or rail of any railway, or breaks down, rips up, injures or destroys any railway track, or railway bridge or fence of any railway or any portion thereof, or places any obstruction whatsoever on any such rail or railway track or bridge, with intent thereby to injure any person or property passing over or along such railway, or to endanger human life, such person shall be guilty of misdemeanour, and shall be punished by imprisonment with hard labour in the common gaol of the territorial division in which such offence is committed or tried, for any period not exceeding one year from conviction thereof; and if in consequence of such act done with the intent aforesaid, any person so passing over and along such railway, actually suffers any bodily harm, or if any property passing over and along such railway be injured, such suffering or injury shall be an aggravation of the offence, and shall render the offence a felony, and shall subject the offender to punishment by imprisonment in the penitentiary for two years, or in any other prison or place of confinement for any period exceeding one year and less than two years.

Punishment of persons doing any thing to Railway with intent to injure persons or property.

And if such damage be actually done.

89. Whosoever unlawfully and maliciously puts or throws upon or across any railway, any wood, stone or other matter or thing, or unlawfully and maliciously takes up, removes or displaces any rail, sleeper or other matter or thing belonging to any railway, or unlawfully and maliciously turns, moves or diverts any point, or other machinery belonging to any railway, or unlawfully and maliciously makes or shows, hides or removes any signal or light, upon or near to any railway, or unlawfully or maliciously does or causes to be done any other matter or thing, with intent in any of the cases

Placing any obstruction on Railway, removing rails, moving points, &c., with intent to endanger life or property, to be felony, and how punishable.

1879. *And see* 32, 33 V. c. 22 s. 39.

cases aforesaid, to endanger the safety of any person travelling or being upon such railway, is guilty of felony, and shall be liable to be imprisoned in the penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years with or without hard labor.

Committing any injury, stoppage, &c., to be a misdemeanour.

90. If any person wilfully and maliciously does or causes to be done, any act whatever whereby any building, fence, construction or work of any railway, or any engine, machine or structure of any railway, or any matter or thing appertaining to the same is stopped, obstructed, impaired, weakened, injured or destroyed, the person so offending shall be guilty of a misdemeanour, and be punished by imprisonment with hard labor not exceeding one year, in the common gaol of the territorial division in which the offence was committed or has been tried.

Punishment of persons boring or cutting casks or packages on Railway.

91. Every person who bores, pierces, cuts, opens or otherwise injures any cask, box or package, containing wine, spirits or other liquors or any case, box, sack, wrapper, package or roll of goods, in, on or about any car, waggon, boat, vessel, warehouse, station-house, wharf, quay or premises of or belonging to any such railway company, with intent feloniously to steal or otherwise unlawfully to obtain or to injure the contents, or any part thereof, or who unlawfully drinks, or wilfully spills or allows to run to waste, any such liquors, or any part thereof, shall, for every such offence, be liable, on summary conviction before one or more Justices of the Peace, to a penalty of not more than twenty dollars, over and above the value of the goods or liquors so taken or destroyed, or to imprisonment, with or without hard labor, for not more than one month.

Punishment of persons obstructing Inspectors in the execution of their duty.

92. Every person wilfully obstructing any inspecting engineer in the execution of his duty shall, on conviction before a Justice of the Peace having jurisdiction in the place where the offence has been committed, forfeit and pay for every such offence any sum not exceeding forty dollars ; and in default of payment of any penalty so adjudged, immediately, or within such time as the said Justice of the Peace appoints, the same justice, or any other justice having jurisdiction in the place where the offender resides, may commit the offender to prison for any period not exceeding three months ; but such commitment shall be determined on payment of the amount of the penalty : and every such penalty shall be returned to the next ensuing Court of General or of Quarter Sessions in the usual manner.

Punishment of officers, &c., contravening by-laws, &c.

93. If any officer or servant of, or person employed by any railway company, wilfully or negligently contravenes any by-law or regulation of the company lawfully made and

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in force, or any order or notice of the Railway Committee, or of the inspecting engineer or engineers, of which a copy has been delivered to him, or has been posted up or open to his inspection in some place where his work or his duties, or any of them, are to be performed, then if such contravention causes injury to any property or to any person, or exposes any property or any person to the risk of injury, or renders such risk greater than it would have been without such contravention, although no actual injury occurs, such contravention shall be a misdemeanour, and the person convicted thereof shall, in the discretion of the court before whom the conviction is had, and according as such court considers the offence proved to be more or less grave, or the injury or risk of injury to person or property to be more or less great, be punished by fine or imprisonment, or both, so as no such fine exceeds four hundred dollars, nor any such imprisonment the term of five years; and such imprisonment, if for over two years, shall be in the penitentiary.

94. If such contravention does not cause injury to any property or person, nor expose any person or property to the risk of injury, nor make such risk greater than it would have been without such contravention, then the officer, servant or other person guilty thereof, shall thereby incur a penalty not exceeding the amount of thirty days' pay, nor less than fifteen days' pay of the offender from the company, in the discretion of the Justice of the Peace before whom the conviction is had; and such penalty shall be recoverable with costs before any one Justice of the Peace having jurisdiction where the offence has been committed, or where the offender is found, on the oath of one credible witness other than the informer.

Penalty in certain cases, and how recoverable.

95. One moiety of such penalty shall belong to Her Majesty for the public uses of Canada, and the other moiety to the informer, unless he be an officer or servant of, or person in the employ of the company, in which case he shall be a competent witness and the whole penalty shall belong to Her Majesty for the uses aforesaid.

Application of penalty.

96. The company may in all cases under the three next preceding sections pay the amount of the penalty and costs, and recover the same from the offender or deduct it from his salary or pay.

The Company may pay penalty and deduct from wages.

RAILWAY FUND.

97. Every railway in Canada to which this Act applies, shall, so soon as any portion thereof is in use, pay to the Receiver General an annual rate to be fixed by the Railway Committee, not exceeding ten dollars per mile of railway constructed and in use; such rate to be paid half-yearly on the

Railway Inspection Fund.

the first days of January and July in each year, and to form a special fund for the purposes of this Act, to be called "The Railway Inspection Fund."

INTERPRETATION CLAUSE.

What the words "Railway Company" shall include.

98. In the construction of the provisions of this Act, from section thirty-five to section ninety-seven, both inclusive, the expression "Railway Company," or "Company" shall include any person being the owner or lessee of or a contractor working any railway constructed or carried on under the powers of an Act of Parliament.

APPLICATION OF PENALTIES.

How penalties shall be recovered and applied.

99. All penalties recovered under this Act, in respect to the application of which no other provision is made, shall be paid to the Receiver General of Canada, to the credit of "The Railway Inspection Fund."

APPLICATION OF CERTAIN SECTIONS.

Extent of certain enactments in this Act declared. 1875.

100. The enactments contained in sub-section eighteen of section seven, in sub-section twenty-eight (*b*) of section nine, and in sub-sections one to eight, both inclusive, of section sixty-two, and subsection four of section twenty-five, of this Act, were declared by the Act thirty-eight Victoria, chapter twenty-four (1875), to apply to every railway company theretofore incorporated or which might thereafter be incorporated and subject to the jurisdiction of the Parliament of Canada, and also to the Governor in Council with respect to all railways constructed by or under the control and management of the Government of Canada, or of any Minister or Department thereof, or being the property of the Dominion of Canada, and they shall so apply accordingly.

This Act, except sections 29 to 34, to apply to P.E.I. 1878

101. All the provisions of this Act, except those contained in sections twenty-nine to thirty-four, both inclusive, shall, as provided by the Act forty-one Victoria, chapter three (1878), be held to have applied thereafter to the Province of Prince Edward Island, unless declared to be applicable to one or more only of the Provinces composing the Dominion; but this shall not be construed as a declaration that any part of this Act or of the Acts consolidated in it, did or did not apply to the said Province before the passing of the said Act in 1878:

As to application to a Judge in the said Province of P.E.I. 1878.

2. Whenever under any provision of this Act applying to the said Province, application is to be made to a judge, such application, may, in the said Province, be made to a Judge of the Supreme Court or of a County Court; and the compensation referred to in sub-section thirty of section nine of

of this Act may, in the said Province, be paid into the office of the Supreme Court, which shall be held to be the court referred to in sub-sections thirty-one, thirty-two and thirty-three of the said section:

3. The provisions made in section nine of this Act as to incumbrances on lands acquired for railway purposes shall apply to lands in the Provinces of Manitoba and British Columbia, and in the North-West Territories; and as respects lands in the said Territories the Court of Queen's Bench in the Province of Manitoba shall, unless and until there be a superior court therein, be held to be the court referred to in the said section: in the said Provinces and Territories any judge of a superior court or County Judge shall have all the powers given by this Act to a County Judge, and in the said Territories such powers shall, if there be there no such judge or County Judge, be held and exercised by a Judge of the Court of Queen's Bench for Manitoba; and the Justices of the Peace in the said Provinces and Territories respectively shall have and exercise the powers given by section sixty-one to Justices of the Peace in the Provinces therein mentioned. **Certain provisions to apply to B. Columbia, Manitoba and N.-W. Territories. 1879.**

REPEALING AND SAVING CLAUSE.

102. Subject to the provisions hereinafter made, the Act passed in the thirty-first year of Her Majesty's reign, and known as "*The Railway Act*, 1868;" the Act passed in the thirty-fourth year of Her Majesty's reign, and intituled "*An Act to enable certain Railway Companies to provide the necessary accommodation for the increasing traffic over their Railways, and to amend The Railway Act*, 1868;" the Act passed in the thirty-sixth year of Her Majesty's reign, and intituled "*An Act to amend the general Acts respecting Railways*;" the Act passed in the year last mentioned, and intituled "*An Act to amend the Act thirty-fourth Victoria, chapter forty-three, intituled 'An Act to enable certain Railway Companies to provide the necessary accommodation for the increasing traffic over their Railways, and to amend The Railway Act*, 1868;'" the Act passed in the thirty-eighth year of Her Majesty's reign, and intituled "*An Act further to amend the general Acts respecting Railways*;" the Act passed in the year last mentioned, and intituled "*An Act to extend and amend the law requiring Railway Companies to furnish returns of their capital, traffic and working expenditure*;" the Act passed in the thirty-ninth year of Her Majesty's reign, and intituled "*An Act to amend 'The Railway Statistics Act*;'" the Act passed in the year last mentioned, and intituled "*An Act to make provision for the crossing of navigable waters by Railway or other road Companies incorporated under Provincial Acts*;" the Act passed in the same year, and intituled "*An Act to amend the Railway Act*, 1868;" the Act passed

Repeal of former Acts.
31 V., c. 68, (1868.)
34 V., c. 43, (1871.)
36 V., c. 80, (1873.)
36 V., c. 81, (1873.)
38 V., c. 24, (1875.)
38 V., c. 25, (1875.)
39 V., c. 14, (1876.)
39 V., c. 15, (1876.)
39 V., c. 32, (1876.)

passed in the fortieth year of Her Majesty's reign, and intituled "*An Act to amend 'The Railway Act*, 1868;'" and the Act passed in the forty-first year of Her Majesty's reign, and intituled "*An Act to extend to the Province of Prince Edward Island 'The Railway Act*, 1868," *and certain Acts amending the same*," are hereby repealed and this Act is substituted for them: Provided always, that all Acts or enactments repealed by any of the said Acts shall remain repealed, and that all things lawfully done and all rights acquired under the Acts hereby repealed, or any of them, shall remain valid and may be enforced, and all proceedings and things lawfully commenced under them or any of them may be continued and completed, under the corresponding provisions of this Act, which shall not be construed as a new law but as a consolidation and continuation of the said repealed Acts, subject to the amendments and new provisions hereby made and incorporated with them; and anything heretofore done in pursuance or in contravention of any provision in any of the said repealed Acts which is repeated without material alteration in this Act, may be alleged or referred to as having been done in pursuance or in contravention of the repealed Act in which such provision was made or of this Act; and every such provision shall be construed as having and as having had the same effect and from the same time as under such repealed Act; and any reference in any former Act or document to any such repealed Act or to any provision in any of the said repealed Acts shall hereafter be construed as a reference to this Act or to the corresponding provision in this Act.

40 V., c. 45, (1877.)

41 V., c. 3, (1878.)

Proviso as to the effect of such repeal.

How this Act shall be construed and have effect.

RETURNS

RETURNS BY RAILWAY COMPANIES.

SCHEDULE ONE (1875.)

RETURN in pursuance of *The Consolidated Railway Act*, 1879, by the Railway Company of their authorized Share and Loan Capital, and the sums received in respect of their Ordinary Capital and Preferential Capital, and Debenture Stock, or Funded Debt, on the 31st December, 18 , specifying the rate per cent. of the Dividends for the year 18 , on each of the said Capitals, showing also the Loans outstanding on the 31st December, 18 , classified according to the several rates per cent. of interest, and the Capital subscribed to other undertakings, whether such undertakings are on lease to, or worked by the subscribing Company, or are independent.

Name of Company.	*Authorized Capital up to the 31st December, 18 , including capital authorized as subscriptions to other undertakings, whether such other undertakings are on lease to, or worked by the subscribing Company, or are independent.			Paid-up Stock and Share Capital at 31st December, 18 , including subscriptions paid up to other undertakings.								
	†By Shares.	By Loans.	Total.	Ordinary.	Rate per cent. of Dividend.	Guaranteed.	Guaranteed Rate of Dividend.	Rate of Dividend paid.	Preferential.	Preferential Rate of Dividend.	Rate of Dividend paid.	Total paid up Stock and Share Capital at 31st Dec., 18 .
	$	$	$	$	$	$	$	$	$	$	$	$

Capital raised by Loans and Debenture Stock at 31st December, 18 .					Total Stock and Share Capital paid up, and Capital raised by Loans and Debenture Stock, at 31st Dec., 18 .	Subscriptions to other Companies.	Remarks.
Loans.	Rate of Interest.	‡ Debentures.	Rate of Interest.	Total raised by Loans and Debenture Stock at 31st Dec., 18 .			
$		$		$	$	$	

NOTE.—This Return should be dated and signed by the officer or officers of the Company responsible for its correctness.

* This should include all capital authorized to be raised by Acts of Parliament, or by Provincial Legislatures, but should not include capital authorised only for purposes which have lapsed by abandonment or otherwise.

† In cases where a subscription is authorized out of *existing* capital, no addition should be made in respect of it to the sum entered in this column, but only to the sum entered in the last column.

‡ Care should be taken not to confound debenture stock with ordinary debenture loans, and not to enter the same under both heads.

SCHEDULE

SCHEDULE TWO (1875.)

............................Railway of Canada.

Return of Traffic for week ending 18 , and the corresponding week, 18 .

Date.	Passengers.		Freight and Live Stock.		Mails and Sundries.	Total.	Miles Open.
18	....	....	....	....	....	....	....
18	....	....	....	....	....	....	....

Increase............................

Decrease ....

Aggregate Traffic from.....................18......

Date.	Passengers.	Freight and Live Stock.	Mails and Sundries.	Total.	Miles Open.
18	....	....	....	....	....
18	....	....	....	....	....

38 V., c. 25.—*Schedules*

CHAP.

CHAP. 10.

An Act to amend an Act intituled "An Act respecting the Intercolonial Railway," passed in the thirty-ninth year of the Reign of Her Majesty Queen Victoria.

[*Assented to* 15*th May*, 1879.]

WHEREAS by an Act passed by the Legislature of Nova Scotia, being chapter eighty-three, of the year one thousand eight hundred and sixty-three, which said Act was amended by an Act of the same Legislature, that is to say, by chapter ninety-eight, of the year one thousand eight hundred and sixty-six, certain rights were conferred on the Halifax City Railroad Company; and whereas it was not intended by the Act of the Parliament of Canada cited in the title to this Act, that the said provisions of the said two Statutes of the Province of Nova Scotia should be affected thereby: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:— **Preamble.** **Acts of N.S., c. 83, of 1863, and c. 96, of 1866, cited.**

1. The following proviso shall be added to, and read after the last word of the second section of the said Act of the Parliament of Canada, and shall form part thereof as from the date of its enactment, that is to say: "Provided always, that nothing in this Act or in the Act intituled '*An Act respecting the Public Works of Canada*,' shall injuriously affect or prejudice in any way the rights, franchises and properties of the Halifax City Railroad Company, as granted to them and acquired by them, under certain Acts of the Legislature of Nova Scotia." **Proviso added to s. 2 of 39 V., c. 16.** **Nothing in 39 V., c. 16, or 31 V., c. 12, to affect injuriously the rights of the Halifax Street Railway Co. under Provincial Acts.**

CHAP. 11.

An Act for the acquisition by the Dominion of a certain portion of the Grand Trunk Railway, to be made part of the Intercolonial Railway.

[*Assented to* 15*th May*, 1879.]

WHEREAS it is expedient to provide for the acquisition by the Dominion of that portion of the Grand Trunk Railway hereinafter mentioned, to the end that it may be made part of the Intercolonial Railway: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— **Preamble.**

1.

Power to purchase part of G. T. Railway from Rivière du Loup to Hadlow.

1. The Government of Canada may enter into arrangements with the Grand Trunk Railway Company of Canada for the purchase by the Dominion of that part of the Grand Trunk Railway between Rivière du Loup and Hadlow, with such metes and bounds, and such appurtenances (except certain of the rails then in use thereon) as may be deemed expedient, and for running powers between the Chaudière Junction and Point Lévis, and other obligations and services by either party to the other,—on equitable terms to be agreed upon by the parties; and Her Majesty may acquire the said property and rights, and the Company may sell and convey the same to Her Majesty for the Dominion of Canada, according to such agreement. But this Act shall not take effect unless and until submitted to a special general meeting of the Company, and accepted by a majority consisting of two-thirds of the votes of the persons present or represented by proxy entitled to vote: and the certificate, in writing, of the Chairman of such meeting shall be taken as *primâ facie* proof of its acceptance by the meeting, such certificate to be filed in the office of the Secretary of State of the Dominion of Canada: and copies certified by the said Secretary of State shall be taken and considered in all courts of law and equity as sufficient *primâ facie* evidence of the contents thereof.

Proviso: for assent of the company at a special general meeting.

Provision as to payment of purchase-money.

2. Payment of the purchase-money, which shall not exceed one million five hundred thousand dollars, shall only be made to cover expenditure for such purposes in connection with the Grand Trunk Railway as the Government shall consider conducive to the public advantage.

Interest allowed on part unpaid.

3. Interest at six per cent. per annum shall be allowed on any purchase-money remaining unpaid for thirty days after payment of the same has become due under the agreement.

And on value of rails not purchased but used.

4. Interest at six per cent. per annum shall be allowed upon the value of such of the rails not purchased as part of the line, as may not be taken up and delivered by the Government to the Company according to agreement, so long as the same remain upon the line after the period agreed upon the value of such rails to be computed at their then marketable value.

Intercolonial Railway Acts to apply.

5. The part of the said railway so purchased for the Dominion shall become part of the Intercolonial Railway, and be subject to all enactments and provisions of law applying thereto.

Provision for repairing the part purchased, and working

6. A sum not exceeding three hundred and seventy-five thousand dollars may be expended to defray the expenses of repairing the line of railway so purchased, and relaying it with steel rails; and a further sum not exceeding two hundred and fifty-five thousand dollars, to defray the expense of operating

operating it during the year ending the thirtieth June, 1880; and such sums shall be paid out of the moneys appropriated for that purpose by Parliament during the present Session, and shall be accounted for as moneys expended under the Acts respecting the construction and operating of the Intercolonial Railway, respectively. **expenses to 30th June, 1880.**

CHAP. 12.

An Act to amend "The Truro and Pictou Railway Transfer Act, 1877."

[*Assented to 15th May,* 1879.]

WHEREAS all parties interested in the transfer of the Pictou and Truro Branch Railway, provided for by "*The Truro and Pictou Railway Transfer Act*, 1877," have agreed to certain changes in the terms and conditions of such transfer, and it is expedient, for that reason, to amend and extend the said Act: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— **Preamble.** **40 V., c. 46.**

1. The transfer of the said Pictou Branch, and of such of the appurtenances thereof as are mentioned in the first section of the said Act (hereinafter called the Pictou Branch), shall be made to the Halifax and Cape Breton Railway and Coal Company, so soon as the contract for the construction and equipment of the extension line of railway from New Glasgow to the Strait of Canso (hereinafter called the "Eastern Extension"), and for the establishment of a steam ferry at the Strait of Canso, now existing between the Government of the Province of Nova Scotia and the said company, or any modification thereof that may be agreed to by the said Government and the Company, shall have been completely performed to the satisfaction of the said Government. **When the transfer shall be made.**

2. The second and third sections of the said Act are hereby repealed. **Repeal of ss. 2 and 3, 40 V., c. 46.**

3. Such transfer of the said Pictou Branch shall be made upon the following conditions:— **Conditions of transfer.**

(*a*) That the said Company, its representatives or assigns, shall efficiently and continuously operate the said Pictou Branch and the said Eastern Extension and the said ferry, to the satisfaction of the Lieutenant-Governor of the said Province **Operating the railway.**

Tariff subject to approval.

Province in Council, at a fair and reasonable tariff of charges which shall be made and established from time to time by the said Company, subject to the approval of the said Lieutenant-Governor in Council, and which tariff shall only be altered or amended with the assent and approval of the Lieutenant-Governor in Council:

Revestment in Government of Canada, on failure to perform conditions of transfer.

(*b.*) That in the event of the said existing contract, with any modification thereof as aforesaid, not being performed to the satisfaction of the Nova Scotia Government, or in the event of the failure of the said Company, its representatives or assigns, for a period of three months to operate the said railways and ferry efficiently and continuously, to wit. by running at least one passenger train over the whole line each way daily except Sundays, and such freight trains as may be sufficient for the conveyance of the freight offered for carriage,—and by running the ferry in connection with the passenger trains,—then the said Pictou Branch shall, if it has not previously been transferred to the said Company, remain the property of the Government of Canada, free from any rights or interest of the said Company therein; but if it has been so transferred, then it shall immediately by virtue of this Act revest in and become the property of the Government of Canada, free from any incumbrances of any kind whatsoever created by the said Company, its representatives or assigns, all of which incumbrances (if any) shall thereupon cease to have effect, and shall become extinct, saving, however, the right of the holders thereof as against the Company itself; and so soon thereafter as the said Eastern Extension and ferry and appurtenances shall have become the property of the Nova Scotia Government free from incumbrances, pursuant to the agreement in that behalf between the said Government and Company, and if, or so soon thereafter as the Nova Scotia Government shall be authorized to carry out the conditions herein contained and on their part to be performed, the said Pictou Branch shall be transferred by the Government of Canada to the Nova Scotia Government, subject to the terms hereinafter set out:

Transfer to Government of Nova Scotia on certain conditions.

As to creation of charges on the branch.

(*c.*) The power of the said Company, its representatives or assigns, to create upon the said Pictou Branch any charges, incumbrances or liens, is hereby made subject to the terms of this Act; but subject thereto the said Company may create such charges, incumbrances or liens thereon and on the revenues and appurtenances thereof, by the issue of mortgage bonds or otherwise, as they shall be authorized by the laws of the said Province to create on any other portion of their property, assets or revenues:

How the default of the company may be proved.

(*d.*) The default of the Company within the intent and meaning of this Act, either in the completion, equipment and establishment of the said Eastern Extension Railway and

and ferry, or in the continuous operation thereof as hereinbefore provided, shall be established in such manner as shall be agreed upon by the Government of Nova Scotia and the Company, or as shall be enacted by the Legislature of the said Province.

In case of difference between Gov't of N. S. and Co. Minister of P. W. to decide.

4. In case of any difference of opinion between the said Government and the Company as to any item of the tariff of charges to be made and established as aforesaid, or as to the non-performance of the said existing contract, or as to the failure of the Company to operate the said railways and ferry efficiently and continuously, as above provided for,—such difference shall be submitted for determination to the Minister of Public Works of Canada, and his decision shall be final and binding.

Terms of transfer to Government of N. S.

5. In the event of the said Eastern Extension and ferry and appurtenances becoming the property of the Nova Scotia Government, as above mentioned, the said Pictou Branch shall be transferred to that Government, subject to the following conditions:—

Equipment of railway and ferry.

(*a.*) That if the said Eastern Extension and ferry and appurtenances become the property of such Government before the same are completed, equipped and established, the said Government shall complete, equip and establish the same with all reasonable despatch:

Operating railways and ferry.

(*b.*) That so soon as the same have been so completed, equipped and established, or if the same become the property of the Nova Scotia Government, after they have been completed, equipped and established,—the said Pictou Branch, Eastern Extension and ferry shall be thereupon efficiently and continuously operated by the Nova Scotia Government, to the satisfaction of the Governor General in Council, at a fair and reasonable tariff of charges, which shall be made and established by the Nova Scotia Government, subject to the approval of the Government of Canada, and which shall only be altered or amended with the assent and approval of the said last-named Government:

Tariff.

Provision in case of default by N.S. Government.

(*c.*) That in the event of the failure of the Nova Scotia Government to complete, equip and establish the said Eastern Extension and ferry with all reasonable despatch, as above provided for, or in the event of their failure for a period of three months to operate the said railways or either of them or the said ferry, efficiently and continuously in the manner hereinbefore described, the said two lines of railway and the said ferry shall thereupon become vested in and become the property of the Government of Canada, free from any incumbrance, charge or lien of any kind whatever, created thereon either by the Government of Nova Scotia or by the Company,

Transfer to Canada.

Company, all of which incumbrances, charges and liens (if any) shall cease to have effect, and shall become extinct immediately upon the acquisition of the said railways and ferry by the Government of Canada, saving; however, the rights of the holders thereof as against the Company itself or the Nova Scotia Government, as the case may be.

Saving rights acquired.

Computation of date of default.

6. Any default in the continuous operation of the said railways and ferry, or of any of them, which may be charged against the Nova Scotia Government, shall commence and be computed from the date at which the Government of Canada shall give to the Provincial Secretary of the Nova Scotia Government a notice claiming that the said railways, or either of them, or the said ferry, are not, or is not, being efficiently or continuously operated as aforesaid: And any dispute between the two Governments as to forfeiture having been incurred, shall be decided by arbitration, as hereinafter provided.

Arbitration in case of difference.

Extent of Pictou branch railway and appurtenances defined.

7. The Pictou Branch Railway and the appurtenances thereof shall be as described in the first section of the Act hereby amended, but it is hereby declared that the right of property in the said Railway to be transferred to the said Company or to the Government of Nova Scotia, as the case may be, shall not extend, at the Truro end thereof, beyond the north-easterly boundary line of Prince street, in the town of Truro. But the Company, their representatives and assigns, shall have the right to run trains up to the freight and passenger stations at Truro for the interchange, reception and delivery of freight and passengers, with the use of the yard, turntable and station buildings, appertaining to the said station, excepting the engine-house and coal-houses; the whole subject to the rules and regulations of the Intercolonial Railway and the control of its officers, within the boundaries of its property.

Certain rights given to the company.

Arbitration in case of difference between the Dominion and N. S. Governments.

8. In case any difference arises between the Government of Canada and the Government of Nova Scotia or the Company, as to what property or rights are intended by or included in the description of the Pictou Branch and its appurtenances as contained in the first section of the Act hereby amended, or as to whether the limitation in the seventh section of this Act deprives the Company of any right to which it would be entitled under the heretofore existing legislation; and if so, as to the compensation which should be reasonably due to them for such deprivation, having regard to the value of any rights by the said seventh section granted to them, to which they would not be entitled under the heretofore existing legislation; or in case any difference arises between the two Governments as to forfeiture having been incurred under the provisions hereof, the

the matters so in dispute shall be referred to the award and determination of three arbitrators, one to be nominated by the Government of Canada, one by the Nova Scotia Government or the Company, as the case may be, and the third by the two so nominated: Provided always, that if either party should for one month after notice from the other that they have nominated an arbitrator, omit or refuse to nominate an arbitrator, or if the two nominated should omit within a like delay, or should refuse to nominate the third, then in every such case the Chief Justice of the Supreme Court of Canada, or in his absence the Senior Puisne Judge thereof, may, on the application of either party, nominate the required arbitrator.

Proviso: in case of failure to appoint an arbitrator.

In case of the death, resignation or refusal to act of any arbitrator, or if for any other cause the office of any arbitrator becomes vacant, his successor shall be nominated in the same manner as such arbitrator was nominated, unless the parties otherwise agree; and in case such successor be not, within one month after the happening of the event or vacancy, nominated by the party entitled to nominate him, then the Chief Justice or Puisne Judge as aforesaid may, on the application of either party, nominate such successor.

Vacancy of office of arbitrator. Nomination of successor.

The arbitrators shall, within three months after the last appointment, proceed to determine the matters referred and as to the costs of the reference, and they or a majority of them shall make and publish their award within such three months: Provided always, that the Chief Justice or any of the Judges of the Supreme Court of Canada may, on the application of either party, either before or after the expiration of such three months or of any extended time, from time to time, extend the time for making such award; and the award of the said arbitrators or a majority of them shall be final.

Time for award limited.

Proviso: for extension of time.

9. And whereas the Company claim from the Government of Canada running powers over the Intercolonial Railway between Truro and Halifax, and also compensation for alleged deterioration of the Pictou Branch since the execution of the existing contract for the construction of the said Eastern Extension, and certain other privileges and rights in respect of the said branch and its property, the provisions hereof shall not affect the said alleged claims which shall neither be held to be admitted nor waived by submission to the provisions hereof.

Act not to affect certain claims of the company.

10. This Act may be cited as "*The Truro and Pictou Railway Transfer Amending Act;*" and in any conveyance of the said railway by the Government of Canada to the Company or to the Government of Nova Scotia, as the case may be,

Short title of Act; and presumed embodiment of its condi-

tions in any conveyance under it.

be, it shall not be necessary to set forth any of the conditions hereof; but the same shall be held to be incorporated in such conveyance, provided it be set forth in such conveyance that it is made under the provisions of this Act.

CHAP. 13.

An Act to amend "The Canadian Pacific Railway Act, 1874."

[*Assented to* 15*th May*, 1879.]

Preamble.

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Sect. 16 of 37 V., c. 14, amended.

1. Section sixteen of the Act of the Parliament of Canada, passed in the thirty-seventh year of Her Majesty's reign, chapter fourteen, intituled "*An Act to provide for the construction of the Canadian Pacific Railway*," is hereby amended by adding at the end thereof the following words:

Governor in Council may lease or make certain arrangements as to the Pembina Branch.

"The Governor in Council may, at any time before or after "the construction of the said branch railway, make with "any company or companies or persons owning any portion "of a line of railway in the State of Minnesota which may "connect with the said branch railway, or with any other "company or person, such arrangement for leasing the said "branch railway on such terms and conditions as may be "agreed upon, such lease not to extend beyond the time "when the Canadian Pacific Railway from Thunder Bay to "Selkirk is opened for traffic; and may also make such "other arrangements as may be deemed advantageous for "working the said branch railway in connection with any "line in the State of Minnesota connecting with the same "at the boundary line:

Proviso; for approval of Parliament.

Provided that no such contract for "leasing the said branch railway shall be binding until it "shall have been laid before both Houses of Parliament for "one month without being disapproved, unless sooner "approved by a resolution of each House, and no such other "arrangement shall be binding beyond the end of the then "next Session of Parliament unless it shall have been laid "before both Houses of Parliament for one month without "being disapproved, unless sooner approved by a resolution "of each House."

2.

2. Whereas by agreement to this Act annexed and marked Schedule A, dated the third day of August, in the year of Our Lord one thousand eight hundred and seventy-eight, made between Her Majesty of the first part, and George Stephen of the City of Montreal, Esquire, for and on behalf of himself and the other bondholders of the St. Paul and Pacific Railway Company, of the second part, certain arrangements respecting the working of the said branch railway are made, and for the avoidance of doubts it is expedient to confirm the same, and to enable Her Majesty to enter into arrangements with some person or company for the equipment and working of the said branch railway under the said agreement: Therefore the said agreement is hereby confirmed; and Her Majesty may, at any time and from time to time during the continuance of the said agreement, make with any person or company such arrangements as may be thought proper for the equipment and working of the said branch railway by such person or company, under the said agreement, and for that purpose may grant to such person or company all authority and powers necessary to the efficient working of the said branch railway and to the carrying out of the arrangement which may be made.

Recital of agreement of 3rd August, 1878.

Agreement confirmed. H. M may make arrangements with any person for the equipment and working of the said branch railway.

SCHEDULE A.

Memorandum of agreement made the third day of August, A. D. 1878, between Her Majesty Queen Victoria, herein represented by the Minister of Public Works of Canada, of the first part; and George Stephen, of the City of Montreal, Esquire, for and on behalf of himself and the other Bondholders of the St. Paul and Pacific Railway Company, of the second part.

Whereas the said Railway Company has its line in operation from St. Paul and other railway connections to Fisher's Landing, about seventy miles from the boundary line between the Dominion of Canada and the United States of America, and proposes within twelve months to complete its line of railway from the said Fisher's Landing to the boundary line at Emerson;

And whereas the Government of Canada are building a railway from Selkirk to Emerson, in the Province of Manitoba (herein referred to as the Government line), and intend to complete the same as soon as practicable;

And whereas it is desirable and necessary that the said Government line should have a connection with the railway system of the United States in order to ensure speedy connection with the Lake at Duluth and with the Canadian railway system at Sarnia and Windsor, pending the completion of the Canadian Pacific Railway from Selkirk to the Lake at Thunder Bay;

Now these presents witness that the parties hereto covenant and agree, each with the other, as follows:—

1.

1. This agreement is to continue in force for ten years from the first day of January, A. D. 1879, unless the Government of Canada terminate the same at the end of five years from that date by giving to the said George Stephen or to the said Railway Company at least six months previous written notice of the intention to terminate: upon such notice being given this agreement shall terminate at the end of said five years.

2. Her Majesty covenants that the Government of Canada will complete the line of railway between Selkirk and Emerson within twelve months from the date hereof, and thereafter keep the same in an efficient state of repair.

3. George Stephen covenants that the St. Paul and Pacific Railway and connections will be completed to the boundary line at or near St. Vincent within twelve months from the date of this agreement, and will thereafter be kept in an efficient state of repair and be worked efficiently.

4. Her Majesty covenants that upon the St. Paul and Pacific Railway Company's lines and connections being completed within the said period so as to make a complete through line from Emerson to St. Paul, and connecting with lines to Duluth, the Government of Canada will permit connection to be made with their said line by the St. Paul and Pacific line.

5. Also, that until the Government line has been equipped with the necessary rolling stock, &c., so that the same may be worked by the Government, the St. Paul and Pacific Railway Company are to have the privilege of running freight and passenger trains to and from the boundary line and intermediate stations from and to Winnipeg or Selkirk, furnishing their own train and station service.

6. And for such privilege the said George Stephen covenants that Her Majesty will be paid such rates per ton per mile for freight and per passenger per mile for passengers as may, from time to time, be agreed upon by the parties, or in default of agreement, as may be, from time to time, fixed by arbitration.

7. Both the parties hereto agree that on or before the first day of February in each year either party is to be at liberty to propose to the other a change of rates for the privilege given by the fifth clause hereof, and in default of agreement as to the changes to be made, the matter is to be settled by arbitration.

8. Also that the Minister of Public Works is to fix maximum rates of speed at which the St. Paul and Pacific Railway Company's freight and passenger trains respectively may be run on the Government line, and such rates are not to be exceeded.

9. George Stephen covenants that no tolls for the carriage of freight or passengers from or to any place in the Province of Manitoba to or from any other place in Manitoba or elsewhere shall be levied or taken by the St. Paul and Pacific Railway

Railway Company until the tariff thereof has been approved by the Governor-General of Canada in Council, and he agrees that such tariff shall be subject to revision by the Governor in Council from time to time after approval thereof, and that after an Order in Council altering the tariff has been made and communicated to the Company, the tolls mentioned in such Order in Council shall be substituted for those mentioned in the tariff previous to its being altered.

10. George Stephen covenants that the St. Paul and Pacific Railway Company will make fair and reasonable arrangements as to the proportion of rates and fares for the transfer of freight and passengers at the junction at or near Glyndon, of the St. Paul and Pacific Railway and the Northern Pacific Railway, so that traffic to and from the Province of Manitoba from and to Canada, *viâ* Lake Superior, may be carried on freely without interruption or break of bulk; also that the rates and fares to be charged by the St. Paul and Pacific Railway Company for the carriage to and from Emerson from and to Glyndon of freight and passengers consigned to or going to Canada *viâ* Lake Superior, or consigned to or going to Manitoba from Canada *viâ* Lake Superior, shall not exceed a fair proportion of the through rates between Emerson and St. Paul.

11. That should the Government line be equipped with the necessary rolling stock, &c., for the efficient working of the same, Her Majesty may, at any time thereafter, by a written notice in that behalf to the said George Stephen or to the said Company, terminate the privilege given to the Company by the fifth clause hereof, either in whole or in part, and from and after such termination, Her Majesty covenants that the said Government line shall be thereafter worked efficiently.

12. In case the Government line be equipped and worked by the Government or their assigns, and the privilege above referred to be terminated, the parties hereto agree to interchange traffic at the boundary line upon the following terms:—Cars of either party are to be taken over the line of the other party without breaking bulk, on such terms as to mileage and otherwise as may be agreed upon, or in default of agreement, as may be fixed by arbitration. Through rates both for passengers and freight are to be fixed by mutual agreement, or in default of agreement, are to be settled by arbitration. Such rates to be divided on a fair proportion, to be mutually agreed upon, or in default of agreement, to be settled by arbitration.

13. The accounts between the parties are to be settled monthly, and any balance due by either to the other is to be promptly paid.

14. Her Majesty covenants that during the continuance of this agreement, the Government of Canada will not interchange freight or passengers carried or for carriage on the said Government line with any other railway company or

 with

with any steamboat, and will not, without the consent of the St. Paul and Pacific Railway Company, permit the cars of any other Railway Company south of the boundary to pass over the said Government line from or near the boundary northwards.

15. George Stephen covenants with Her Majesty that during the continuance of this agreement the St. Paul and Pacific Railway Company will not interchange freight or passengers coming from or consigned or going to Manitoba with any other railway company, or with any steamboat, and will not without the consent of the proper officers of the Government, permit the cars of any other railway company north of the boundary, to pass over their line from or near the boundary southwards.

16. Notwithstanding Her Majesty's covenant that the Government line shall be kept in repair, it shall be the duty of the St. Paul and Pacific Railway Company, so long as they use the privilege given by the fifth clause hereof, not to run trains over any part of the Government line which may be out of repair, and in case any accident or injury happens to any person or property by reason of the running of trains while the line is out of repair, Her Majesty is in no way to be responsible.

17. The St. Paul and Pacific Railway Company are to notify the proper officers of the Government of any want of repair of the Government line, and in case the necessary repairs be not forthwith made by the Government, the St. Paul and Pacific Railway Company are to be at liberty to make the repairs, charging Her Majesty with the cost thereof. Should any dispute arise as to the necessity for the repairs or the cost thereof, the matter is to be settled by arbitration.

18. That should a breach happen on the part of the St. Paul and Pacific Railway Company of any one of the 3rd, 6th, 7th, 8th, 9th, 10th, 12th, 13th, 15th or 23rd clauses hereof, Her Majesty may, by a notice in writing to that Company, or to the said George Stephen, terminate this agreement from and after a day to be named in such notice.

19. That should a breach happen on the part of Her Majesty of any one of the 2nd, 4th, 5th, 7th, 11th, 12th, 13th, or 14th clauses hereof, the said George Stephen, or the St Paul and Pacific Railway Company, may, by a notice in writing to the Minister of Public Works, terminate this agreement from and after a day to be named in such notice. Either party may, however, at any time in writing, waive any such notice, but any waiver, whether of any such notice or any breach of this agreement shall extend only to the notice or breach so waived, and shall not limit the right of the party so waiving in respect of any other or future breach.

20. That should any difference arise between the Government of Canada and the St. Paul and Pacific Railway Company

pany or the said George Stephen, respecting the carrying out of any clause of this agreement, such difference shall, from time to time, as the same may arise, be referred to the award and determination of three arbitrators, one to be nominated by the Government of Canada, one by the St Paul and Pacific Railway Company, or by the said George Stephen, and the third by the two so nominated: Provided always, that if either party should for one month after notice from the other that they have nominated an arbitrator, omit or refuse to nominate an arbitrator or if the two nominated should omit or refuse to nominate the third, then the Chief Justice of the Supreme Court of Canada (or in his absence the Senior Puisné Judge) may, on the application of either party, nominate the required arbitrator. In case of the death, resignation or refusal to act of any arbitrator, or if, for any other cause, the office of any arbitrator becomes vacant, his successor shall be nominated in the same manner as such arbitrator was nominated, unless the parties otherwise agree; and in case such successor, be not within one month after the happening of the vacancy, nominated by the party entitled to nominate him, then the said Chief Justice, or in his absence, the said Senior Puisné Judge, may, on the application of either party, nominate such successor.

21. The arbitrators shall, within one month after the last appointment, proceed to determine the matters referred, and they or a majority of them shall make and publish their award in writing within one month after the closing of the hearing of the arbitration: Provided always, that any of the Judges of the Supreme Court of Canada may, on the application of either party, either before or after the expiration of such one month, or of any extended time, from time to time extend the time for making such award The award of the said arbitrators, or a majority of them, shall be final.

22. Should the St. Paul and Pacific Railway not be completed to Emerson within twelve months from the date hereof, the Government of Canada may, by written notice to that Company, or to the said George Stephen, determine this agreement.

23. The said George Stephen covenants with Her Majesty that he will, upon request, so soon as the foreclosure proceedings against the St. Paul and Pacific Railway Company, now in progress by the Bondholders have terminated, and the Company has passed under the control of the Bondholders procure an agreement with Her Majesty, and the said Company or any other Company which may be formed for the working of their lines, to be duly executed under the corporate seal of such Company, and countersigned by all necessary officials, and delivered to the Minister of Public Works of Canada.

 In

In witness whereof, the said George Stephen has hereto set his hand and seal, and the Minister of Public Works has hereto set his hand, and these presents have been sealed with the seal of the Department of Public Works, and countersigned by the Secretary of the Department.

Signed, sealed and delivered in presence of (as to execution by Geo. Stephen),
(Signed) JOHN LESLIE,
Clerk, Dept. of Justice.

(Signed)
GEO. STEPHEN. (Seal.)

(As to execution by the Minister and Secretary of Public Works),
(Signed) H. A. FISSIAULT.

A. MACKENZIE.
F. BRAUN,
Secretary.
(Seal.)

CHAP. 14.

An Act further to amend "The Canadian Pacific Railway Act, 1874."

[*Assented to* 15*th May*, 1879.]

Preamble.

WHEREAS it is expedient to provide for the connection of the main line of the Canadian Pacific Railway with the City of Winnipeg and the Pembina branch of the said railway: Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Branch line to Winnipeg authorized.

1. A branch of the Canadian Pacific Railway shall be constructed from some point west of the Red River, on that part of the main line running south of Lake Manitoba, to the City of Winnipeg, there to connect with the branch line from Fort Garry to Pembina; and all the provisions of "*The Canadian Pacific Railway Act*, 1874," with respect to branches of the said railway, not inconsistent with this Act, shall apply to the branch to be constructed under this Act.

37 V., c. 14, to apply.

Expenditure of $1,000,000 authorized.

2. A sum not exceeding one million of dollars, may be expended on that part of the main line west of the Red River, and the branch hereby authorized, without the previous submission of the contracts under which such expenditure is made to Parliament, if the Governor in Council deem such expenditure expedient.

3.

3. The sums of money, of which the expenditure is hereby authorized shall be paid out of the sum appropriated for the purpose in the present Session, and accounted for under the provisions of the twenty-second section of the Act hereby amended. **How to be paid and accounted for.**

CHAP. 15.

An Act to alter the Duties of Customs and Excise.

[*Assented to 15th May*, 1879.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— **Preamble.**

1. So much of all Acts and parts or schedules of Acts and of all Orders in Council, as imposes any duty of Customs upon goods, (which word shall, for all the purposes of this Act, have the meaning assigned to it in the Act passed in fortieth year of Her Majesty's reign and intituled "*An Act to amend and consolidate the Acts respecting the Customs*,") or exempts goods from Customs duty when imported into Canada, or is in any wise inconsistent with this Act, is hereby repealed; but any power conferred upon the Governor in Council by the Act last cited, (fortieth Victoria, chapter ten) to transfer dutiable goods to the list of goods free of duty, is not hereby abrogated or impaired:—and in lieu and instead of all other duties of Customs upon goods imported into Canada, there shall be raised, levied, collected and paid upon the goods enumerated in Schedule A to this Act, or referred to as not enumerated therein but charged with duty, imported into Canada or taken out of warehouse for consumption therein, the several duties of Customs set forth and described in the said Schedule A, and set opposite to each respectively, or charged on them as not enumerated; subject to the provisions hereinafter made. **Repeal of enactments imposing duties of customs.** **Saving certain power under 40 V., c. 10.** **Duties in Schedule A imposed.**

2. The goods enumerated in Schedules B and C may, subject to the provisions and conditions therein mentioned, be imported into Canada or taken out of warehouse for consumption therein, without payment of any duty of Customs thereon. **Goods free of duty.**

3.

Prohibited goods.

3. The goods enumerated in Schedule D shall not be imported into Canada, under the penalty therein mentioned, and if imported shall be forfeited and forthwith destroyed.

Provisions respecting packages containing goods paying *ad valorem* duty.

4. The value of all bottles, flasks, jars, demijohns, carboys, casks, hogsheads, pipes, barrels and all other vessels or packages, manufactured of tin, iron, lead, zinc, glass or any other material, and capable of holding liquids,—crates, barrels and other packages containing glass, china, crockery, or earthenware, and all packages in which goods are commonly placed for home consumption, including cases in which bottled spirits, wines, or malt liquors are contained, and every package, being the first receptacle or covering enclosing goods for purpose of sale, shall, in all cases (not otherwise provided for) in which they contain goods subject to an *ad valorem* duty, be taken and held to be a part of the fair market value of such goods for duty; and when they contain goods subject to specific duty only, such packages shall be charged with a duty of Customs of twenty per centum *ad valorem*, to be computed upon their original cost or value; and all or any of the above packages described as capable of holding liquids, when containing goods exempt from duty under this Act, shall be charged with a duty of twenty per centum *ad valorem*; but, all packages not hereinbefore specified, and not herein specially charged with or declared liable to duty under regulations and being the usual and ordinary packages in which goods are packed for exportation only, according to the general usage and custom of trade, shall be free of duty.

As to packages containing goods paying specific duty only, or free goods in certain cases.

Other packages free.

As to goods on which a drawback has been allowed in country of manufacture.

5. On all goods imported into Canada, subject under this Act to *ad valorem* duty, upon which a drawback of duties has been allowed by the Government of the country where the same were manufactured, the amount of such drawback shall, in all cases, be taken and considered to be a part of the fair market value of such goods, and duty shall be collected thereon; and in cases where the amount of such drawback has been deducted from the value of such goods upon the face of the invoice under which entry is to be made, the Collector of Customs, or proper officer, shall add the amount of such deduction and collect and cause to be paid the lawful duty thereupon; and the fair market value of all goods imported into Canada shall be understood to be the ordinary wholesale price at which the same are sold for home consumption in the country where they are purchased or manufactured, without deduction of any kind because of any drawback paid or to be paid thereon, or because of any special arrangement between the seller and purchaser having reference to the exportation of such goods, or the exclusive right to territorial limits for the sale thereof, or because of any royalty payable upon patent rights but not payable when goods are purchased for exportation, or on account

No reduction of value by reason of drawback, &c.

account of any other consideration by which a special reduction in price might or could be obtained: Provided that nothing herein shall be understood to apply to general fluctuations of market values. Proviso.

6. Any or all of the following articles,—that is to say: animals of all kinds, green fruit, hay, straw, bran, seeds of all kinds, vegetables (including potatoes and other roots), plants, trees and shrubs, coal and coke, salt, hops, wheat, peas and beans, barley, rye, oats, Indian corn, buckwheat and all other grain, flour of wheat and flour of rye, Indian meal and oatmeal, and flour or meal of any other grain, butter, cheese, fish (salted or smoked), lard, tallow, meats (fresh, salted or smoked), and lumber, may be imported into Canada free of duty, or at a less rate of duty than is provided by this Act, upon Proclamation of the Governor in Council, which may be issued whenever it appears to his satisfaction that similar articles from Canada may be imported into the United States free of duty, or at a rate of duty not exceeding that payable on the same under such proclamation when imported into Canada. Certain articles to be free of duty in Canada, when free in United States.

7. If at any time any greater duty of Customs should be payable in the United States of America on tea or coffee imported from Canada than on tea or coffee imported from any other country, then the Governor in Council may impose on tea or coffee imported into Canada from the said United States an additional duty of Customs equal to the duty payable in the United States on tea or coffee imported from Canada: Provided that tea or coffee imported into Canada from any country other than the said United States, but passing in bond through the United States, shall be taken and rated as a direct importation from the country in which the tea or coffee was purchased. Provision in case of higher duty in U. S. on tea or coffee imported from Canada than from elsewhere. Proviso, if passing in bond through U. S.

8. An allowance may be made for deterioration by natural decay or breakage upon all perishable and brittle goods imported into Canada, such as green fruits and vegetables, crockery, china, glass and glassware, provided such damage is found to exceed twenty-five per cent. of the value thereof upon an examination to be made by an appraiser, or proper officer of customs, at their first landing, or within three days of such landing; but such allowance shall be only for the amount of loss in excess of twenty-five per cent. of the whole quantity of such goods contained or included in any one invoice; and provided the duty has been paid on the full value thereof, a refund of such duty may be allowed and paid in the proportion and on fulfilment of the conditions above specified, but not otherwise, on application to the Minister of Customs. Allowance for natural deterioration or breakage on certain articles. Amount limited. Proviso for refund in certain cases.

9. In determining the dutiable value of goods, except when imported from Great Britain and Ireland, there shall be added Cost of inland transportation, &c., to

be deemed part of value.

added to the cost or the actual wholesale price or fair market value, at the time of exportation in the principal markets of the country from whence the same has been imported into Canada, the cost of inland transportation, shipment and trans-shipment, with all the expenses included, from the place of growth, production, or manufacture, whether by land or water, to the vessel in which shipment is made, either *in transitû* or direct to Canada, subject to such regulations as may be made by the Governor in Council.

Governor in Council may make regulations for ensuring fair valuation.

10. The Governor in Council shall, from time to time, establish such regulations, not inconsistent with law, as may be required to secure a just, faithful and impartial appraisal of all goods imported into Canada, and just and proper entries of the actual or fair market value thereof, and of the weights, measures or other quantities thereof, as each case may require; and such regulations, whether general or special, so made by the Governor in Council, shall have the full force and authority of law; and it shall be the duty of the appraisers of Canada and every of them, and every person who shall act as such appraiser, or of the Collector of Customs, as the case may be, by all reasonable ways and means in his or their power, to ascertain, estimate and appraise the true and fair market value and wholesale price, (any invoice or affidavit thereto to the contrary notwithstanding,) of the goods at the time of exportation, and in the principal markets of the country whence the same have been imported into Canada, and the proper weights, measures or other quantities, and the fair market value or wholesale price of every of them, as the case may require.

Duty of appraisers.

No refund of duty for alleged inferiority of value, &c., except in certain cases.

11. No refund of duty paid shall be allowed because of any alleged inferiority or deficiency in quantity of goods imported and entered, and which have passed into the custody of the importer under permit of the Collector of Customs, nor because of the omission in the invoice of any trade discount, or other matter or thing, which might have the effect of reducing the value of such goods for duty, unless the same has been reported to the Collector of Customs within ten days of the date of entry, and the said goods have been examined by the said collector or by an appraiser, or other proper officer of Customs, and the proper rate or amount of reduction certified by him after such examination; and if such collector or proper officer reports that the goods in question cannot be identified as those named in the invoice and entry in question, then and in such case no refund of the duty or any part thereof shall in any case be allowed; and all applications for refund of duty in such cases shall be submitted, with the evidence and all particulars, for decision of the Minister of Customs, who may then order payment on finding the evidence to be sufficient and satisfactory.

Nor if goods cannot be identified.

Minister of Customs to decide.

12.

12. The whole or part of the duty of thirty per centum *ad valorem* imposed by this Act upon wines imported into Canada, may be remitted upon Proclamation of the Governor in Council, which may be issued whenever it appears to his satisfaction that the Governments of France and Spain, or of either of them, have made changes in their tariffs of duties imposed upon articles imported from Canada in reduction or repeal of the duties now in force in the said countries. Remission of or on duties on wines in certain cases.

13. In lieu of all Excise duties—except license fees—now or heretofore imposed on spirits, there shall be imposed, levied and collected upon every gallon of the strength of proof by Sykes' Hydrometer, and so in proportion for any greater or less strength of spirits, the manufacture of which had not been wholly completed, or upon which the duty had not been paid before the coming into force of this section, an excise duty of one dollar. Excise duties on spirits altered.

14. In lieu of all Excise duties—except license fees—now or heretofore imposed on malt, there shall be imposed, levied and collected on every pound of malt made and weighed as removed from the kiln, and upon which the duty had not been paid before the coming into force of this section, an Excise duty of one cent. And on malt.

15. Upon all stocks of malt liquor held by licensed brewers at the time of the coming into force of this section, a drawback may be paid on the malt contained in such stocks, equal to the duty paid thereon in excess of one cent. per pound, and the quantity of malt contained in such stocks of malt liquor, shall be determined under the existing departmental regulations for determining the quantity of malt contained in malt liquor. Drawback on present stocks of malt liquors.

16 In lieu of all Excise duties—except license fees—now imposed on tobacco known as "common Canadian twist," otherwise called "*tabac blanc en torquette*," being the unpressed leaf rolled and twisted, and made wholly from raw tobacco, the growth of Canada, and upon raw leaf the growth of Canada, there shall be imposed, levied and collected on every pound, or less quantity than a pound, an Excise duty of four cents. Excise duty on certain kinds of tobacco altered.

17. The foregoing sections of this Act shall be held to have come into force, and the duties mentioned therein and in the schedules to this Act shall be held to have been imposed and to have been substituted for those imposed by any Acts or parts of Acts theretofore in force, on and after the fifteenth day of March, in the present year of our Lord, one thousand eight hundred and seventy-nine, and to have been payable on all goods imported or taken out of warehouse for consumption From what time the foregoing provisions shall have effect.

sumption upon or after the said day, or becoming subject to the duties of Excise on and after the same under the next preceding four sections.

General Acts respecting Customs and Inland Revenue, to apply to duties under this Act.

Saving obligations incurred as to former duties.

18. The Acts now in force respecting the Customs and respecting Inland Revenue and Excise, and all regulations lawfully made or to be made under them respectively, shall apply to the duties imposed by this Act, except in so far only as they may be inconsistent with this Act: and all words and expressions used in this Act shall have the meaning assigned to them in the said Acts respectively: and the said Acts respecting the Customs and Inland Revenue and Excise, shall continue to apply to any duties accrued under enactments hereby repealed, which may not have been paid before the day last mentioned, and to all bonds, penalties or forfeitures or proceedings relating to or resulting from such non-payment, or the non-observance of any enactment or provision of law respecting any such duties.

SCHEDULE A.

GOODS SUBJECT TO DUTIES.

Acid, Sulphuric, half a cent per pound........................	½ c. p. lb.
Acetic, twelve cents per Imperial gallon..................	12 c. p. I. g.
Muriatic and Nitric, twenty per cent. *ad valorem*.......	20 p. ct.
But carboys containing acids shall be subject to the same duty as if empty.	
Agricultural implements, not otherwise herein provided for, twenty-five per cent. *ad valorem*........................	25 p. ct.
Ale, beer and porter, when imported in bottles (six quart or twelve pint bottles to be held to contain one Imperial gallon) eighteen cents per Imperial gallon..	18 c. p. I.g.
Ale, beer and porter, when imported in casks, or otherwise than in bottles, ten cents per Imperial gallon.....	10 c. p. I. g.
Animals, living, of all kinds not elsewhere specified, twenty per cent. *ad valorem*................................	20 p. ct.
Artificial Flowers, thirty per cent. *ad valorem*..............	30 p. ct.
Babbit metal, ten per cent. *ad valorem*........................	10 p. ct.
Billiard tables, without pockets, four feet six inches by nine feet, a specific duty of twenty-two dollars and fifty cents each	$22.50
On those of five feet by ten feet, a specific duty of twenty-five dollars each	$25
On billiard tables with pockets, five feet six inches by eleven feet, a specific duty of thirty-five dollars each	$35
And on those of six feet by twelve feet, a specific duty of forty dollars each...	$40
And in addition thereto ten per cent. *ad valorem*; each table to include twelve cues, and one set of four balls, with markers, cloths, and cases, but no pool balls....	& 10 p. ct.

Blacking,

Blacking, shoe, twenty-five per cent. *ad valorem*....	25 p. ct.
Books—	
Books printed, periodicals ard pamphlets, bound or in sheets, not being foreign reprints of British copyright works, nor blank account books, nor copy-books, nor books to be written or drawn upon, nor Bibles, prayer-books, psalm and hymn-books, six cents per pound.	6 c. p. lb.
British copyright works, reprints of, six cents per pound, and in addition thereto twelve and a-half per cent. *ad valorem*...	6 c. p. lb. &12½p.ct.
Bibles, prayer-books, psalm and hymn-books, five per cent. *ad valorem*..............	5 p. ct.
Books, periodicals and pamphlets imported through the Post-office, for every two ounces in weight or fraction thereof, one cent..........................	1 c. for 2 oz.
Blank books, bound or in sheets, twenty-five per cent. *ad valorem*...........................	25 p. ct.
Printed, lithographed, or copper, or steel plate bill-heads, cheques, receipts, draughts, posters, cards, commercial blank forms, labels of every description, advertising pictures or pictorial show-cards or bills, thirty per cent. *ad valorem*....................................	30 p. ct.
Advertising pamphlets, one dollar per hundred........	$1 p. 100.
Maps and charts, twenty per cent. *ad valorem*...........	20 p. ct.
Printed music, bound or in sheets, six cents per pound	6 c. p. lb.
Playing-cards, thirty per cent. *ad valorem*.................	30 p. ct.
Book-binders' tools and implements, including ruling machines and binders' cloth, fifteen per cent. *ad valorem*	15 p. ct.
Brass, old and scrap; in bars, bolts and sheets, in wire, round or flat; seamless drawn tubing and plain and fancy tubing, ten per cent. *ad valorem*......	10 p. ct.
Manufactures of brass, not elsewhere specified, thirty per cent. *ad valorem*	30 p. ct.
Breadstuffs, viz.:	
Barley, fifteen cents per bushel..............................	15 c. p. bsh.
Buckwheat, ten cents per bushel...........................	10 " "
Indian corn, seven and a-half cents per bushel...........	7½ " "
Oats, ten cents per bushel......................................	10 " "
Rice, one cent per pound..	1 c. p. lb.
Rye, ten cents per bushel.........	10 c. p. bsh.
Wheat, fifteen cents per bushel..............................	15 " "
Pease, ten cents per bushel......................................	10 " "
Beans, fifteen cents per bushel................................	15 " "
Buckwheat meal or flour, one-fourth of one cent. per pound..	¼ c. p. lb.
Cornmeal, forty cents per barrel..........	40 c. p. brl.
Oatmeal, one-half cent per pound..........................	½ c. p. lb.
Rye flour, fifty cents per barrel...............................	50 c. p. brl.
Wheat flour, fifty cents per barrel...........................	50 "
Rice and sago flour, two cents per pound.................	2 c. p. lb.
Brick, for building, twenty per cent. *ad valorem*..........	20 p. ct.
Brooms and brushes, twenty-five per cent. *ad valorem*......	25 p. ct.
Butter, four cents per pound................................	4 c. p. lb.
Buttons of all kinds, twenty-five per cent. *ad valorem*.....	25 p. ct.

Candles,

Candles, tallow, two cents per pound	2 c. p. lb.
Candles, paraffine wax, five cents per pound	5 c. p. lb.
All other candles, including sperm, twenty-five per cent. *ad valorem*	25 p. ct.
Carriages, waggons, railway cars and carriages, sleighs, wheelbarrows, and other like articles, thirty per cent. *ad valorem*	30 p. ct.
Cement, raw, or in stone from the quarry, one dollar per ton of thirteen cubic feet (see stone)	$1 p. ton.
Cement, burnt and unground, seven and a half cents per one hundred pounds	7½ c. p. 100 lbs.
Cement, hydraulic, or water lime, ground, including barrels, forty cents per barrel	40c. p. brl.
Cement in bulk or in bags, nine cents per bushel	9c. p. bsh.
Cement, Portland or Roman, twenty per cent. *ad valorem*	20 p. ct.
Cheese, three cents per pound	3c. p. lb.
Chicory, raw or green, three cents per pound	3c. "
Chicory, or other root or vegetable used as a substitute for coffee, kiln dried, roasted or ground, four cents per pound	4c. p. lb.
China and porcelain ware, twenty per cent. *ad valorem*	20 p. ct.
Clocks, and parts thereof, thirty-five per cent. *ad valorem*	35 p. ct.
Coal, anthracite and bituminous, fifty cents per ton of two thousand pounds	50c. p. ton.
Coal tar and coal pitch, ten per cent. *ad valorem*	10 p. ct.
Cocoa-nuts, one dollar per one hundred	$1 p. 100.
Cocoa paste and chocolate, not sweetened, twenty per cent. *ad valorem*	20 p. ct.
Cocoa paste and other preparations of cocoa containing sugar, one cent per pound and twenty five per cent. *ad valorem*	1c. p. lb. & 25 p. ct.
Coffee, green, two cents per pound	2c. p. lb.
Coffee, roasted or ground, and all imitations of and substitutes for, three cents per pound	3c. p. lb.
Coke, fifty cents per ton of 2,000 pounds	50c. p. ton.
Copper, old and scrap, in pigs, bars, rods, bolts, ingots, sheets and sheathing not planished or coated; copper wire, round or flat; and copper seamless drawn tubing; ten per cent. *ad valorem*	10 p. ct.
Copper rivets and burrs, and all manufactures of copper not elsewhere specified, thirty per cent. *ad valorem*	30 p. ct.
Cordage for ships' purposes, ten per cent. *ad valorem*	10 p. ct.
Cordage, all other, twenty per cent. *ad valorem*	20 p. ct.
Corks, and other manufactures of cork-wood or cork-bark, twenty per cent. *ad valorem*	20 p. ct.

COTTON, MANUFACTURES OF, VIZ.:

Grey or unbleached and bleached cottons, sheetings, drills, ducks, cotton or canton-flannels, not stained, painted or printed, one cent per square yard, and fifteen per cent. *ad valorem*	1c. p. s. y. and 15 p. ct.
All cotton jeans, denims, drillings, bedtickings, ginghams, plaids, cotton or canton-flannels, ducks and drills, dyed or colored; checked and striped shirtings, cottonades, pantaloon stuffs, and goods of like description, two cents per square yard and fifteen per cent. *ad valorem*	2c. p. s. y. and 15 p. ct.

COTTON, MANUFACTURES OF, VIZ:

All cotton wadding, batting, butts and warps, carpet-warps, knitting yarn, hosiery yarn and other cotton yarns under number forty, not bleached, dyed or coloured, two cents per pound and fifteen per cent. *ad valorem*..	2c. p. lb. and 15 p. ct.
And if bleached, dyed or coloured, three cents per pound and fifteen per cent. *ad valorem*....................	3c. p. lb. &15 p. ct.
Cotton warp, on beams, one cent per yard and fifteen per cent. *ad valorem*..	1c. p. yd. &15 p. ct.
Cotton seamless bags, two cents per pound and fifteen per cent. *ad valorem*...	2 ct. p. lb. &15 p. ct.
Cotton shirts and drawers, woven or made on frames, and all cotton hosiery, thirty per cent. *ad valorem*....	30 p. ct.
Cotton sewing-thread, on spools, twenty per cent. *ad valorem*..	20 p. ct.
Cotton sewing-thread, in hanks, twelve and a-half per cent. *ad valorem*...	12½ p. ct.
Cotton duck, or canvas of hemp or flax, and sail twine, when to be used for boats' and ships' sails, five per cent. *ad valorem*.	5 p. ct.
All clothing made of cotton, or of which cotton is the component part of chief value, including corsets, thirty per cent. *ad valorem*..................................	30 p. ct.
All manufactures of cotton not elsewhere specified, twenty per cent. *ad valorem*.............................	20 p. ct.
Drain-tile, and drain pipes and sewer pipes, glazed or unglazed, twenty per cent. *ad valorem*.........................	20 p. ct.
Earthenware and stoneware, brown or coloured, and Rockingham ware, twenty-five per cent. *ad valorem*...........	25 p. ct.
Earthenware, white, granite or iron-stone ware, and "C. C." or cream coloured ware, thirty per cent. *ad valorem*	30 p. ct.
Electro plated ware, (*See* plated ware).	
Essences, viz.: of apple, pear, pineapple, raspberry, strawberry, and other fruits and vanilla, one dollar and ninety cents per imperial gallon, and twenty per cent. *ad valorem*..	$1.90 p. Imp. gal. & 20 p.ct.
Essential oils for manufacturing purposes, twenty per cent. *ad valorem*......	20 p. ct.
Excelsior for upholsterers' use, twenty per cent. *ad valorem*	20 p. ct.
Feathers, ostrich and vulture, undressed, fifteen per cent. *ad valorem*; and dressed, twenty-five per cent. *ad valorem*	15 p. ct. 25 p. ct.
Fire-brick or tiles, for lining stoves and furnaces, twenty per cent. *ad valorem*..	20 p. ct.
Fish, fresh, salted or smoked, except fish free of duty as provided by the Treaty of Washington, one cent per pound..	1c. p. lb.
Flax fibre, scutched, one cent per pound....................	1c. p. lb.
Hackled, two cents per pound..........	2c. do
Flax, tow of, scutched or green, one-half cent per pound.	½c. do
Flax seed, ten cents per bushel	10c. p. bsh
Fruit, dried, viz.: apples, two cents per pound...	2c. p. lb.
Currants, dates, figs, plums, prunes, raisins and all other not elsewhere specified, twenty-five per cent. *ad valorem*..	25 p. ct.

Fruit, Green, viz.:	
Apples, forty cents per barrel	40c. p. brl.
Blackberries, gooseberries, raspberries and strawberries, two cents per quart	2c. p. qt.
Cherries and currants, one cent per quart	1c. do
Cranberries, plums and quinces, thirty cents per bushel	30c. p. bsh.
Grapes, one cent per pound	1c. p. lb.
Peaches, forty cents per bushel	40c. p. bsh.
Oranges and lemons, twenty per cent. *ad valorem*	20 p. ct.
Fruits in air-tight cans, including cans, three cents per pound if sweetened, and two cents per pound if not sweetened	3c .p. lb. & 2c.p.lb.
Fruits, preserved in brandy, or other spirits, one dollar and ninety cents per Imperial gallon	$1.90 p. I.g.
Furs, viz.:	
Fur skins, dressed, fifteen per cent. *ad valorem*	15 p. ct.
Caps, hats, muffs, tippets, capes, coats, cloaks and other manufactures of fur, twenty-five per cent. *ad valorem*	25 p. ct.
Furniture, house, cabinet or office, finished or in parts, including hair and spring mattresses, show cases, caskets and coffins of any material, thirty-five per cent. *ad valorem*	35 p. ct.
Gas, coal-oil or kerosene fixtures, or parts thereof, thirty per cent. *ad valorem*	30 p. ct.
Glass and Manufactures of, viz.:	
Carboys and demijohns, pressed bottles, flasks and phials of every description; telegraph and lightning-rod insulators; and fruit jars and glass balls, thirty per cent. *ad valorem*	30 p. ct.
Lamp and gas-light shades, lamps and lamp chimneys, globes for lanterns, lamps and gas lights, thirty per cent. *ad valorem*	30 p. ct.
Ornamented, figured and enamelled stained glass, stained, tinted, painted and vitrified glass, and stained glass windows, figured, enamelled and obscured white glass, thirty per cent. *ad valorem*	30 p. ct.
Common and colourless window glass, and coloured glass not figured, painted, enamelled or engraved, twenty per cent. *ad valorem*	20 p. ct.
All other glass and manufactures of glass not herein otherwise provided for, twenty per cent. *ad valorem*	20 p. ct.
Gunpowder and other Explosives, viz.:	
Gun, rifle and sporting powder in kegs, half-kegs, or quarter-kegs and other similar packages, five cents per pound	5 c. p. lb.
Cannon and musket powder in kegs and barrels, four cents per pound	4 c. p. lb.
Canister powder, in pound and half pound tins, fifteen cents per pound	15 c. p. lb.

GUNPOWDER AND OTHER EXPLOSIVES, VIZ.:	
Blasting and mining powder, three cents per pound.	3 c. p. lb.
Giant powder, dualin, dynamite and other explosives in which nitro-glycerine is a constituent part, five cents per pound, and twenty per cent. *ad valorem*.....	5 c. p. lb. & 20 p. ct.
Nitro-glycerine, ten cents per pound and twenty per cent. *ad valorem*..	10 c. p. lb. & 20 p. ct.
Gutta-percha, manufactures of, twenty-five per cent. *ad valorem*...	25 p. ct.
Hair, curled, twenty per cent. *ad valorem*..................	20 p. ct.
Hats, caps and bonnets, not elsewhere specified, twenty-five per cent. *ad valorem*....................................	25 p. ct.
Hatters' plush of silk or cotton, ten per cent. *ad valorem*..	10 p. ct.
Honey, bees', in the comb or otherwise, three cents per pound..	3 c. p. lb.
Hops, six cents per pound..	6 c. p. lb.
India.rubber, viz.: boots and shoes, and other manufactures of, twenty-five per cent. *ad valorem*.................	25 p. ct.
IRON AND MANUFACTURES OF, VIZ.:	
Pig, two dollars per ton..	$2 p. ton
Old and scrap, two dollars per ton..............................	$2 p. ton
In slabs, blooms, loops or billets, puddled or not, and muck and puddled bars or billets, twelve and one-half per cent. *ad valorem*..	12½ p. ct.
In bars, rolled or hammered, including flats, rounds, and squares, nail and spike rods, and all other iron not otherwise provided for, seventeen and one-half per cent. *ad valorem*..	17½ p. ct.
Rolled round wire rods, in coils under half an inch in diameter, ten per cent. *ad valorem*....................	10 p. ct.
Iron rails or railway bars, for railways or tramways, fifteen per cent. *ad valorem*..............................	15 p. ct.
Railway fish-plates, frogs, frog-points, chairs and finger-bars. seventeen and a-half per cent. *ad valorem*	17½ p. ct.
Tin plates, ten per cent. *ad valorem*..........................	10 p. ct.
Band and hoop, sheet smoothed or polished, coated or galvanized and common or black, and boiler plate, number seventeen gauge or thinner, and Canada plates, twelve and one-half per cent. *ad valorem*..	12½ p. ct.
Iron and steel wire, galvanized or not, fifteen per cent. *ad valorem*..	15 p. ct.
Stoves and other castings, not elsewhere specified, twenty five per cent. *ad valorem*..........................	25 p. ct.
Gas, water and soil pipes of cast iron, twenty-five per cent. *ad valorem*..	25 p. ct.
Car-wheels and axles, twenty five per cent. *ad valorem*..	25 p. ct
Rolled beams, channels and angle and T iron, fifteen per cent. *ad valorem*..	15 p. ct.
Iron bridges and structural iron work, malleable iron castings and iron safes, and doors for safes and vaults, twenty-five per cent. *ad valorem*..........................	25 p. ct.
Mill-irons and mill-cranks, and wrought forgings, for mills and locomotives, or parts thereof weighing 25 pounds or more, twenty per cent. *ad valorem*......	20 p. ct.

IRON AND MANUFACTURES OF, VIZ:—	
Locomotive engines and stationary, fire, or other steam engines and boilers, and other machinery composed wholly or in part of iron, twenty five per cent. *ad valorem*	25 p. ct.
Locomotive tires of steel or Bessemer steel in the rough, ten per cent. *ad valorem*	10 p. ct.
Drawn boiler tubing, ten per cent. *ad valorem*	10 p. ct.
Bedsteads and other iron furniture and ornamental iron work and wire work, twenty-five per cent. *ad valorem*	25 p. ct
Skates and locks of all kinds, thirty per cent. *ad valorem*	30 p. ct
Tinned, glazed or enamelled hollow-ware, of cast or wrought iron, twenty five per cent. *ad valorem*	25 p. ct.
Hardware, viz.: builders', cabinet makers', upholsterers', carriage makers', saddlers', and undertakers', including coffin trimmings of metal, thirty per cent. *ad valorem*	30 p. ct.
Bolts, washers and rivets, thirty per cent. *ad valorem*	30 p. ct.
Tacks, brads and sprigs, Hungarian and clout nails, thirty per cent. *ad valorem*	30 p. ct.
Horse-shoes and horse-shoe nails, thirty per cent. *ad valorem*	30 p. ct.
Iron wire nails, called "Pointes de Paris," thirty per cent. *ad valorem*	30 p. ct.
Iron and steel screws, commonly called "wood screws," thirty-five per cent. *ad valorem*	35 p. ct.
Scales, balances and weighing beams, thirty per cent. *ad valorem*	30 p. ct.
Chain cables over half an inch in diameter, whether shackled or swivelled, or not, five per cent. *ad valorem*	5 p. ct.
Nails and spikes, cut, half-a-cent per pound and ten per cent. *ad valorem*	½c. p. lb. & 10 p. ct
Nails and spikes, wrought and pressed, whether galvanized or not, three-fourths of a cent per pound and ten per cent. *ad valorem*	¾c. p. lb & 10 p. ct.
Composition nails and spikes and sheathing nails, twenty per cent. *ad valorem*	20 p. ct.
Nuts, one cent per pound and ten per cent. *ad valorem*	1 c. p. lb. & 10 p. ct.
Sewing machines, whole, or heads or parts of heads of sewing machines, two dollars each, and in addition thereto, twenty per cent. *ad valorem*	$2.00 and 20 p. ct.
Ink for writing, twenty-five per cent. *ad valorem*	25 p. ct.
Jewellery and manufactures of gold and silver, and watches, twenty per cent. *ad valorem*	20 p. ct.
Jute, manufactures of, twenty per cent. *ad valorem*	20 p. ct.
Lard, tried or rendered, two cents per pound	2c. p. lbr
Lard, untried, one and a-half cents per pound	1½c. "
Lead, old and scrap, and in pigs, bars, blocks and sheets, ten per cent. *ad valorem*	10 p. ct.
Lead pipe and lead shot, and all manufactures of lead not otherwise specified, twenty-five per cent. *ad valorem*	25 p. ct.

Leather board, three cents per pound	3 c. p. lb.
Boot and shoe counters made from leather board, half-a-cent per pair	½ c. p. pr.
Leather, sole, tanned but rough or undressed, ten per cent. *ad valorem*	10 p. ct.
Morocco skins, tanned, but rough or undressed, ten per cent. *ad valorem*	10 p. ct.
Sole leather and belting leather, tanned, but not waxed; and all upper leather, and French kid, fifteen per cent. *ad valorem*	15 p. ct.
Leather as above, dressed and waxed, twenty per cent. *ad valorem*	20 p. ct.
Japanned, patent or enamelled leather, twenty per cent. *ad valorem*	20 p. ct.
All other leather and skins tanned, not elsewhere specified, twenty per cent. *ad valorem*	20 p. ct.
Boots and shoes and other manufactures of leather, including gloves and mitts, and leather belting, twenty-five per cent. *ad valorem*	25 p. ct.
Lithographic stones, not engraved, twenty per cent. *ad valorem*	20 p. ct.
Malt, two cents per pound	2 c. p. lb.
Machine card clothing, twenty-five per cent. *ad valorem*	25 p. ct.
Marble, in blocks from the quarry, in the rough, or sawn on two sides only and not specially shapen, containing fifteen cubic feet or over, ten per cent. *ad valorem*	10 p. ct.
Marble slabs, sawn on not more than two sides, fifteen per cent. *ad valorem*	15 p. ct
Marble blocks and slabs, sawn on more than two sides, twenty per cent. *ad valorem*	20 p. ct.
Finished marble, and all manufactures of marble not elsewhere specified, twenty-five per cent. *ad valorem*	25 p. ct.
Meats, fresh or salted, on actual weight as received in Canada, except shoulders, sides, bacon and hams, one cent. per pound	1c. p. lb.
Shoulders, sides, bacon and hams, fresh, salted, dried or smoked, two cents per pound	2 c. p. lb.
All other dried or smoked meats, or meats preserved in any other way than salted or pickled, not otherwise specified, two cents per pound	2 c. p. lb.
Mustard seed, unground, fifteen per cent. *ad valorem*	15 p. ct.
Mustard, ground, twenty-five per cent. *ad valorem*	25 p. ct.
Nuts of all kinds, except cocoa-nuts, twenty per cent. *ad valorem*	20 p. ct.
Ochres, dry, ground or unground, washed or unwashed, not calcined, ten per cent. *ad valorem*	10 p. ct.
Oils, coal and kerosene, distilled, purified or refined; naphtha, benzole and petroleum; products of petroleum, coal, shale and lignite, not elsewhere specified, seven cents and one-fifth of a cent per gallon	7⅕c. p. I. g.
Carbolic or heavy oil used in making wooden block pavements, for treating wood for building and for railway ties, ten per cent. *ad valorem*	10 p. ct.
Cod liver, medicated, twenty per cent. *ad valorem*	20 p. ct.
Lard, twenty per cent. *ad valorem*	20 p. ct.

Linseed or flaxseed, raw or boiled, twenty-five per cent. *ad valorem*....	25 p. ct.
Neatsfoot, twenty per cent. *ad valorem*....	20 p. ct.
Olive or salad, twenty per cent. *ad valorem*....	20 p. ct.
Sesame seed, twenty per cent. *ad valorem*....	20 p. ct.
Sperm, twenty per cent. *ad valorem*....	20 p. ct.
Oil-cloth for floors, stamped, painted or printed, thirty per cent. *ad valorem*....	30 p. ct.
Opium (drug), twenty per cent. *ad valorem*....	20 p. ct.
Opium, prepared for smoking, five dollars per pound....	$5 p. lb.
Organs, Cabinet viz :—On reed organs having not more than two sets of reeds, a specific duty of ten dollars	$10
each; having over two and not over four sets of reeds, fifteen dollars each; having over four and not	$15
over six sets of reeds, twenty dollars each; having	$20
over six sets of reeds, thirty dollars each; and in	$30
addition thereto, ten per centum *ad valorem* on the fair market value thereof....	& 10 p. ct.
Organs, Pipe organs, and sets or parts of sets of reeds for cabinet organs, twenty-five per cent. *ad valorem*..	25 p. ct.
Paintings, drawings, engravings and prints, twenty per cent. *ad valorem*....	20 p. ct.
Paints and colors, ground in oil or any other liquid, twenty-five per cent. *ad valorem*....	25 p. ct.
Paints and colors not elsewhere specified, twenty per cent. *ad valorem*....	20 p. ct.
White and red lead, dry, also dry white zinc and bismuth, five per cent. *ad valorem*....	5 p. ct.
Paper-hangings or wall-paper, thirty per cent. *ad valorem*....	30 p. ct.
Paper, calendered, twenty-two and one-half per cent. *ad valorem*....	22½ p. ct.
Paper, of all kinds not elsewhere specified, twenty per cent. *ad valorem*....	20 p. ct.
Envelopes and all manufactures of paper not otherwise specified, twenty-five per cent. *ad valorem*....	25 p. ct.
Paper, union collar cloth, in sheets, not shapen, ten per cent. *ad valorem*....	10 p. ct.
Mill board, not straw board, ten per cent. *ad valorem*...	10 p. ct.
Paper collars, cuffs and shirt fronts, twenty-five per cent. *ad valorem*....	25 p. ct.
Pencils, lead, in wood or otherwise, twenty-five per cent. *ad valorem*....	25 p. ct.
PERFUMERY, INCLUDING TOILET PREPARATIONS, VIZ.:	
Hair oils, tooth and other powders and washes, pomatums, pastes and all other perfumed preparations used for the hair, mouth or skin, thirty per cent. *ad valorem*....	30 p. ct.
Phosphor bronze, in blocks, bars, sheets and wire, ten per cent. *ad valorem*....	10 p. ct.
PIANOFORTES, VIZ.:	
All square pianofortes, whether round-cornered or not, not over seven octaves, twenty-five dollars each;	$25
on all other square pianofortes, thirty dollars each;	$30
on upright piano-fortes, thirty dollars each; on	$30
concert, semi-concert or parlor grand pianofortes, fifty dollars each; and in addition thereto ten per	$50
cent. *ad valorem*....	& 10 p. ct.

Parts

Parts of pianos, twenty-five per cent. *ad valorem*........ 25 p. ct.
Pitch, (coal) and coal tar, ten per cent. *ad valorem*....... 10 p. ct.
Plants, viz.: Fruit, shade, lawn and ornamental trees, shrubs and plants, twenty per cent. *ad valorem*.......... 20 p. ct.
Plaster of Paris, or gypsum, ground, twenty per cent. *ad valorem*.. 20 p. ct.
Plaster of Paris, calcined or manufactured, 15 cents per 100 pounds, or 45 cents per barrel of not over 300 pounds...15c.p.100 lb
Plated-ware, electro-plated and gilt of all kinds, thirty per cent. *ad valorem*.. 30 p. ct.
Plates engraved on wood, and on steel or other metal, twenty per cent. *ad valorem*.............................. 20 p. ct.
Playing cards, thirty per cent. *ad valorem*................... 30 p. ct.
Plumbago, ten per cent. *ad valorem;* and all manufactures of plumbago, not elsewhere specified, twenty per cent. *ad valorem*... 10 p. ct. 20 p. ct.
Pomades, French, or flower odours preserved in fat or oil for the purpose of conserving the odours of flowers which do not bear the heat of distillation, when imported in tins of not less than ten pounds each, fifteen per cent. *ad valorem*.. 15 p. ct.
Printing-presses of all kinds, fifteen per cent. *ad valorem* 15 p. ct.
Proprietary medicines, commonly called patent medicines, or any medicine or preparation of which the recipe is kept secret, or the ingredients whereof are kept secret, recommended by advertisement, bill or label, for the relief of any disorder or ailment; in liquid form, fifty per cent. *ad valorem*; and all other, twenty-five per cent. *ad valorem*.................................... } 50 p. ct. 25 p. ct.
Prunella, and cotton and woollen netting, for boots, shoes and gloves, ten per cent. *ad valorem*......................... 10 p. ct.
Pumice stone, ground or powdered, twenty per cent. *ad valorem*.. 20 p. ct.
Putty, twenty-five per cent. *ad valorem*......................... 25 p. ct.

Quills, twenty per cent. *ad valorem*.......................... 20 p. ct.
Quinine, sulphate of, twenty per cent. *ad valorem*......... 20 p. ct.

Sails for boats and ships, also tents and awnings, twenty-five per cent. *ad valorem*.. 25 p. ct.
Salt (except salt imported from the United Kingdom, or any British possession, or imported for the use of the sea or gulf fisheries, which shall be free of duty), in bulk, eight cents per one hundred pounds..........8 c. p. 100 lbs.
In bags, barrels and other packages, twelve cents per one hundred pounds.. . 12c. p. 100 lbs.
Saltpetre, twenty per cent. *ad valorem* .... 20 p. ct.
Sand paper, glass and emery paper, twenty per cent. *ad valorem*.. 20 p. ct.
Seeds, viz.: flower, garden, field and other seeds, for agricultural purposes, when in bulk or in large parcels, fifteen per cent. *ad valorem*; when put up in small papers or parcels, twenty-five per cent. *ad valorem* .... 15 p. ct. 25 p. ct.
Seed, mustard, unground, fifteen per cent. *ad valorem;* ground, twenty-five per cent. *ad valorem* .... 15 p. ct. 25 p. ct.
Shingles, twenty per cent. *ad valorem*....................... 20 p. ct.

 Ships

Ships and other vessels, built in any foreign country, whether steam or sailing vessels, on application for Canadian register, on the fair market value of the hull, rigging, machinery and all appurtenances, ten per cent. *ad valorem*..........	10 p. ct.
Silk in the gum, not more advanced than singles, tram, and thrown organzine, fifteen per cent. *ad valorem*..	15 p. ct.
Sewing silk and silk twist, twenty-five per cent. *ad valorem*..........	25 p. ct.
Silk velvets and all manufactures of silk, or of which silk is the component part of chief value, not elsewhere specified, except church vestments, thirty per cent. *ad valorem*..........	30 p. ct.
Silver, rolled, and german silver, in sheets, ten per cent. *ad valorem*..........	10 p. ct.
Slate for roofing, twenty per cent. *ad valorem*..........	20 p. ct.
Slate slabs, square or in special shapes, twenty per cent. *ad valorem*..........	20 p. ct.
Slate mantels, thirty per cent. *ad valorem*..........	30 p. ct.
School and writing slates, twenty-five per cent. *ad valorem*	25 p. ct.
Soap, common brown and yellow, not perfumed, one cent per pound..........	1 c. p. lb.
Soap, castile and white, two cents per pound..........	2 c. p. lb.
Soap, perfumed or toilet, thirty per cent. *ad valorem*......	30 p. ct.
Spelter, in blocks or pigs, ten per cent. *ad valorem*.........	10 p. ct.
Spices, viz. ginger and spices of all kinds (except nutmegs and mace), unground, twenty per cent. *ad valorem*;	20 p. ct.
ground, twenty-five per cent. *ad valorem*..........	25 p. ct.
Nutmegs and mace, twenty-five per cent. *ad valorem*..........	25 p. ct.
Starch, including farina, corn starch or flour, and all preparations having the qualities of starch, two cents per pound..........	2 c. p. lb.
Spirits and strong waters not having been sweetened or mixed with any article so that the degree of strength thereof cannot be ascertained by Sykes' hydrometer, for every Imperial gallon of the strength of proof by such hydrometer, and so in proportion for any greater or less strength than the strength of proof, and for every greater or less quantity than a gallon, viz: Geneva gin, rum, whiskey, and unenumerated articles of like kinds, one dollar and thirty-two and one-half cents per Imperial gallon;	$ 1.32½ p. Imp. g.
brandy, one dollar and forty-five cents per Imperial gallon....	$1.45 p. I. g.
"Old Tom" gin, one dollar and thirty-two and one-half cents per Imperial gallon in bulk..........	$1.32½ p. I. g.
Spirits sweetened or mixed so that the degree of strength cannot be ascertained as aforesaid, viz: Rum-shrub, cordials, schiedam, schnapps, tafia, bitters and unenumerated articles of like kinds, one dollar and ninety cents per Imperial gallon..........	$1.90 p. I. g.
Spirits and strong waters not elsewhere specified, one dollar and ninety cents per Imperial gallon.....	$1.90 p. I. g.
Spirits and strong waters imported into Canada, mixed with any ingredient or ingredients, and although thereby coming under the denomination of proprietary medicines, tinctures, essences, extracts or any other denomination not elsewhere specified, shall	

be,

be, nevertheless, deemed spirits or strong waters, and subject to duty as such; one dollar and ninety cents per Imperial gallon.................. ....$1.90 p. I.gal.

Cologne water and perfumed spirits in bottles or flasks not weighing more than four ounces each, forty per cent. *ad valorem*..... .... 40 p. ct.

Cologne water and perfumed spirits in bottles, flasks or other packages weighing more than four ounces each, one dollar and ninety cents per Imperial gallon and thirty per cent. *ad valorem*...................... $1.90 p. I.g. and 30 p. ct.

Wines of all kinds except sparkling wines, including ginger, orange, lemon, strawberry, raspberry, elder and currant wines, containing twenty-six per cent. or less of spirits of the strength of proof by Sykes' hydrometer, imported in wood or in bottles (six quart or twelve pint-bottles to be held to contain an Imperial gallon), twenty-five cents per Imperial gallon, and for each degree of strength in excess of twenty-six per cent. of spirits as aforesaid, an additional duty of three cents until the strength reaches forty per cent. of proof spirits; and in addition thereto, thirty per cent. *ad valorem*. 25c. p. I.g. & 3c. p.I.g. for each degree from 26 up to 40, and 30 p. ct.

Champagne and all other sparkling wines in bottles containing each not more than a quart and more than one pint, three dollars per dozen bottles; $3.00 p. doz. containing not more than a pint each and more than one-half pint, one dollar and fifty cents per dozen bottles; $1.50 p.doz. containing one-half pint each or less, seventy-five cents per dozen bottles; 75 c. p. doz. bottles containing more than one quart each shall pay in addition to three dollars per dozen bottles at the rate of one dollar and fifty cents per Imperial gallon on the quantity in excess of one quart per bottle; $1.50 p. I. g. for all over one qt. p. bt'l. in addition to the above specific duty there shall be an *ad valorem* duty of thirty per cent... .... & 30 p. ct.

But any liquors imported under the name of wine, and containing more than forty per cent. of spirits of the strength of proof by Sykes' hydrometer shall be rated for duty as unenumerated spirits.

Stationery of all kinds not elsewhere specified, twenty per cent. *ad valorem*.. 20 p. ct.

Steel, and manufactures of, viz.: On and after the first day of January, 1881, steel in ingots, bars, sheets and coils, and railway bars or rails and fish plates, ten per cent. *ad valorem*.. 10 p. ct.

Shovels, spades, hoes; hay, manure and potato forks; rakes and rake teeth; carpenters', coopers', cabinet-makers', and all other mechanics' tools, including files, edge tools of every description, axes, scythes, and saws of all kinds, thirty per cent. *ad valorem*. 30 p. ct.

Firearms, viz: Muskets, rifles, pistols and shot guns; cutlery, and all manufactures of steel, and of iron and steel, not elsewhere specified, twenty per cent. *ad valorem*...... .... 20 p. ct.

Knife blades or knife blanks, in the rough, unhandled, for use by electro-platers, ten per cent. *ad valorem*.... .... 10 p. ct.

Stereotypes and electrotypes of standard books, ten per cent. *ad valorem*... . 10 p. ct.

Stereotypes

Stereotypes and electrotypes for commercial blanks and advertisements, twenty per cent. *ad valorem*.......... 20 p. ct.

Stone, viz: rough freestone, sandstone, and all other building stone, except marble, one dollar per ton of thirteen cubic feet.. $1.00 p. ton.

Water limestone or cement stone, one dollar per ton. (*See* cement).................... .... $1.00 p. ton.

Grindstone, in the rough, one dollar and fifty cents per ton .... $1.50 p. ton.

Dressed freestone and all other building stone, except marble, and all manufactures of stone or granite, twenty per cent. *ad valorem*.................... 20 p. ct.

Sugars, Syrups and Molasses:—

Sugar above number fourteen, Dutch standard, in color, one cent per pound and thirty-five per cent. *ad valorem* .... 1 c. p. lb. & 35 p.ct.

This is protective duty.

Sugar equal to number nine and not above number fourteen, Dutch standard, three-fourths of a cent per pound and thirty per cent. *ad valorem*.................. $\frac{3}{4}$ c. p.lb. & 30 p.ct.

Sugar below number nine, Dutch standard, half-a-cent per pound and thirty per cent. *ad valorem*...... $\frac{1}{2}$ c. p.lb. & 30 p.ct.

Provided, that the *ad valorem* duty shall be levied and collected on sugar and melado when imported direct from the country of growth and production, upon the fair market value thereof at the place of purchase, without any addition for the cost of hogsheads or other packages, or other charges and expenses prior to shipment, anything contained in section thirty-four of the Act forty Victoria, chapter ten, to the contrary notwithstanding; the said section nevertheless remaining in force as to regulations to be made under it, in cases where the sugar or melado is not imported direct from the country of growth or production.

Syrups, cane juice, refined syrup, sugar-house syrup, syrup of sugar, syrup of molasses or sorghum, five-eighths of a cent per pound, and thirty per cent. *ad valorem* .... $\frac{5}{8}$ c. p. lb. and 30 p. ct.

Melado, concentrated melado, concentrated cane-juice, concentrated molasses, concentrated beet-root juice, and concrete, three-eighths of one cent per pound and thirty per cent. *ad valorem*................. .. $\frac{3}{8}$ c. p. lb. and 30 p. ct.

Molasses, if used for refining, clarifying or rectifying purposes or for the manufacture of sugar, when imported direct from the country of growth and production, twenty-five per cent. *ad valorem* .... 25 p. ct.

And for the same purposes when not imported direct from the country of growth and production thirty per cent. *ad valorem*................................ 30 p. ct.

Molasses when not so used, when imported direct from the country of growth and production, fifteen per cent. *ad valorem*................ .... 15 p. ct.

And when not imported direct from the country of growth and production twenty per cent. *ad valorem*. 20 p. ct.

Sugar candy, brown or white, and confectionery, one cent per pound and thirty-five per cent. *ad valorem*..... 1 c. p. lb. & 35 p. ct.

Glucose

Glucose or grape sugar, to be classed and rated for duty as sugar according to grade by Dutch standard in colour.	
Glucose syrup, half of one cent per pound and thirty-five per cent. *ad valorem*	½ c. p. lb. & 35 p. ct.
Tallow, one cent per pound	1 c. p. lb.
Tea, viz., Black tea two cents per pound and ten per cent. *ad valorem*	2 c. p. lb. & 10 p. ct.
Green and Japan tea three cents per pound and ten per cent. *ad valorem*	3 c. p. lb. & 10 p. ct.
Tin in blocks, pigs, bars, plates and sheets, ten per cent. *ad valorem*	10 p. ct.
Tinware, stamped and japanned ware, and all manufactures of tin not elsewhere specified, twenty-five per cent. *ad valorem*	25 p. ct.
TOBACCO:—	
Manufactured tobacco and snuff, twenty-five cents per pound and in addition thereto twelve and a-half per cent. *ad valorem*	25 c. p. lb. and 12½ p. ct.
Cigars and cigarettes, fifty cents per pound and twenty per cent. *ad valorem*	50 c. p. lb. & 20 p. ct.
Turpentine, spirits of, twenty per cent. *ad valorem*	20 p. ct.
Trunks, satchels, valises, and carpet-bags, twenty-five per cent. *ad valorem*	25 p. ct.
Twines, manufactured of flax and not otherwise specified, twenty-five per cent. *ad valorem*	25 p. ct.
Type for printing, twenty per cent. *ad valorem*	20 p. ct.
Type metal, ten per cent. *ad valorem*	10 p. ct.
Varnish not elsewhere specified, twenty cents per Imperial gallon and twenty per cent. *ad valorem*	20c. p. I. g. & 20 p. ct.
Vegetables, viz.: Potatoes, ten cents per bushel	10c. p. bsh.
Tomatoes, thirty cents per bushel	30c. p. bsh.
And all other vegetables twenty per cent. *ad valorem*	20 p. ct.
Vinegar, twelve cents per Imperial gallon	12 c. p. I. g.
Watches, watch movements and watch cases, twenty per cent. *ad valorem*	20 p. ct.
Wire of brass and copper, ten per cent. *ad valorem*	10 p. ct.
Wire-cloth of brass and copper, twenty per cent. *ad valorem*	20 p. ct.
Wood and manufactures of, and wooden ware, viz:—	
Pails, tubs, churns, brooms, brushes and other manufactures of wood not elsewhere specified, twenty-five per cent. *ad valorem*	25 p. ct.
Hubs, spokes, felloes, and parts of wheels, rough-hewn or sawn only, twenty per cent. *ad valorem*	20 p. ct.
Lumber and timber, not elsewhere specified, twenty per cent. *ad valorem*	20 p. ct.

WOOL AND WOOLLENS VIZ.:

Manufactures composed, wholly or in part, of wool, worsted, the hair of the alpaca, goat, or other like animals, viz:—Shawls, blankets and flannels of every description; cloths, doeskins, cassimeres,

WOOL AND WOOLLENS, VIZ.:—	
tweeds, coatings, over coatings, cloakings, felt cloth of every description, not elsewhere specified; horse-collar cloth; yarn, knitting yarn, fingering yarn, worsted yarn under number 30; knitted goods, viz.:—Shirts, drawers and hosiery of every description; seven and a-half cents per pound, and in addition thereto twenty per cent. *ad valorem*	7½ c. p. lb. & 20 p. ct.
Clothing ready-made, and wearing apparel of every description, including cloth caps, composed wholly or in part of wool, worsted, the hair of the alpaca, goat or other like animals, made up or manufactured wholly or in part by the tailor, seamstress or manufacturer, except knit goods, ten cents per pound, and in addition thereto twenty-five per cent. *ad valorem.*	10 c. p. lb. & 25 p. ct.
All manufactures composed wholly or in part of wool, worsted, the hair of the alpaca, goat or other like animals, not herein otherwise provided for, twenty per cent. *ad valorem*	20 pr. ct.
Treble ingrain, three-ply and two-ply carpets composed wholly of wool, ten cents per square yard; and in addition thereto, twenty per cent. *ad valorem*	10 c. p. sq. yd. & 20 p. ct.
Two-ply and three-ply ingrain carpets, of which the warp is composed wholly of cotton or other material than wool, worsted, the hair of the alpaca, goat or other like animals, five cents per square yard, and in addition thereto twenty per cent. *ad valorem*	5 c. p. sq. yd. & 20 p. ct.
Felt for boots and shoes, when imported by the manufacturers for use in their factories, fifteen per cent. *ad valorem*	15 p. ct.
Felt for glove linings and endless felt for paper makers, when imported by the manufacturers for use in their factories, ten per cent. *ad valorem*	10 p. ct.
Whips, twenty-five per cent. *ad valorem*	25 p. ct.
Wire, of brass and copper, ten per cent. *ad valorem*	10 p. ct.
Wire cloth, of brass and copper, twenty per cent. *ad valorem*	20 p. ct.
Zinc, in pigs, blocks and sheets, ten per cent. *ad valorem*	10 p. ct.
Seamless drawn tubing, ten per cent. *ad valorem*	10 p. ct.
Manufactures of zinc not elsewhere specified, twenty-five per cent. *ad valorem*	25 p. ct.

All goods not enumerated in this Act as charged with any duty of Customs and not declared free of duty by this Act shall be charged with a duty of twenty per cent. *ad valorem*, when imported into Canada, or taken out of warehouse for consumption therein.

SCHEDULE

FREE GOODS.

Agaric,
Agates, unmanufactured,
Alkanet root,
Aloes,
Aluminum,
Alum,
Ambergris,

Ammonia,

Ammonia, crude,
Aniline dyes,
Aniline oil, crude,
Aniline salts,
Animals brought into Canada temporarily, and for a period not exceeding three months, for the purpose of exhibition or competition for prizes offered by any agricultural or other association, (but a bond shall be first given in accordance with regulations to be prescribed by the Minister of Customs, with the condition that the full duty to which such animals would otherwise be liable shall be paid in case of their sale in Canada, or if not re-exported within the time specified in such bond),
Animals for the improvement of stock under regulations to be made by the Treasury Board and approved by the Governor in Council,
Annato, liquid or solid,
Annato, seed,
Anchors,
Antimony,
Ashes, pot, pearl and soda,
Apparel, wearing and other personal and household effects, not merchandise, of British subjects dying abroad, but domiciled in Canada,
Argol, dust,
Argols, crude,
Arsenic,
Arseniate of aniline,
Articles for the use of the Governor-General,
Articles for the use of foreign Consuls General,
Articles imported by and for the use of the Dominion Government, or any of the Departments thereof, or for the Senate or House of Commons,
Army and Navy and Canadian Militia, for the use of, viz :—
Arms,
Clothing,
Musical instruments for bands,
Military stores and munitions of war,

Bamboo reeds, not further manufactured than cut into suitable lengths for walking sticks or canes, or for sticks for umbrellas, parasols or sunshades,
Bamboos unmanufactured,
Barrels of Canadian manufacture exported filled with domestic petroleum and returned empty, under such regulations as the Minister of Customs may prescribe,
Barilla,
Barytes, unmanufactured,
Bells for churches,
Berries for dyeing or used for composing dyes,
Bolting cloths,
Bones, crude and not manufactured, burned, calcined, ground or steamed,
Bone-dust and bone-ash for manufacture of phosphates and fertilizers,
Borax,
Botany, specimens
Bristles,
Brimstone, crude, or in roll or flour,
Brim moulds for gold beaters,

Bromine,

Bromine,
Broom corn,
Buchu leaves,
Bullion, gold and silver,
Burgundy pitch,
Burr stones in blocks, rough or unmanufactured, and not bound up into millstones,

Carriages of travellers and carriages laden with merchandise, and not to include circus troops nor hawkers, under regulations to be prescribed by the Minister of Customs,
Cabinets of coins, medals and other collections of antiquities,
Casts, as models for the use of schools of design,
Cornelian, unmanufactured,
Canvas for manufacture of floor oil-cloth, not less than forty-five inches wide and not pressed nor calendered,
Caoutchouc, unmanufactured,
Cat-gut strings or gut cord for musical instruments,
Cat-gut or whip-gut, unmanufactured,
Chalk and cliff stone, unmanufactured,
Chamomile flowers,
Chloride of lime,
Citrons, and rinds of, in brine for candying,
Clays,
Clothing, donations of, for charitable purposes,
Cobalt, ore of,
Cochineal,
Cocoa, bean, shell and nibs,
Coins, gold and silver, except United States silver coin,
Communion plate, and plated ware for use in churches,
Coir and coir yarn,
Colcothar, dry oxide of iron,
Conium cicuta, or hemlock seed and leaf,
Cotton waste and cotton wool,
Cork wood or cork bark, unmanufactured,
Colours, viz.:—Bichromate of potash, blue black, Chinese blue, Castile lakes, scarlet and maroon in pulp, Paris green, Prussian blue, satin and fine-washed white, ultra-marine, umber raw,
Cream of tartar, in crystals,

Diamonds, unset, including black diamonds for borers,
Diamond dust or bort,
Dragons' blood,
Duck for belting and hose,
Dyeing or tanning articles in a crude state, used in dyeing or tanning, not elsewhere specified,

Eggs,
Emery,
Entomology, specimens of,
Esparto, or Spanish grass, and other grasses, and pulp of, for the manufacture of paper,
Extract of logwood,

Felt, adhesive, for sheathing vessels,
Fire clay,
Fibre, Mexican,
Fibre, vegetable, for manufacturing purposes,

Fibrilla,

Fibrilla,
Fish bait,
Fish oil, and fish of all kinds, the produce of the fisheries of the United States (except fish of the inland lakes and of the rivers falling into them, and fish preserved in oil),
Fish-hooks, nets and seines, and lines and twines, for the use of the fisheries, but not to include sporting fishing-tackle or hooks with flies or trawling spoons,
Fur skins, of all kinds not dressed in any manner,
Flint, flints, and ground flint stones,
Folia digitalis,
Fossils,
Fuller's earth,

Gentian root,
Ginseng root,
Gold-beaters' moulds and gold-beaters' skins,
Grease and grease scrap, for manufacture of soap,
Gravels,
Guano and other animal and vegetable manures,
Gums, amber, Arabic, Australian, British, copal, damar, mastic, sandarac, shellac and tragacanth,
Gunny cloth and gunny bags,
Gut, and worm gut, manufactured or unmanufactured, for whip and other cord,
Gutta percha, crude,
Gypsum, crude (sulphate of lime),

Hair, angola, buffalo and bison, camel, goat, hog, horse and human, cleaned or uncleaned, but not curled or otherwise manufactured,
Hatters' furs, not on the skin,
Hemlock bark,
Hemp, undressed,
Hides, raw, whether dry, salted or pickled,
Hoofs, horns and horn tips,
Hyoscyamus, or henbane leaf,

Ice,
India-rubber, unmanufactured,
Indian hemp, (crude drug,)
Indigo,
Iris, orris root,
Istle or tampico fibre,
Ivory and ivory nuts, unmanufactured,
Ivory veneers, sawn only, not planed nor polished,
Iron masts for ships, or parts of,

Jalap, root,
Junk, old,
Jute-butts,
Jute,

Kelp,
Kryolite,

Lac—dye, crude, seed, button, stick and shell,
Lava, unmanufactured,
Leeches,

Licorice

Licorice root,
Litharge,
Litmus and all lichens, prepared and not prepared,
Lemons and rinds of, in brine, for candying,
Logs, and round unmanufactured timber, not elsewhere provided for,
Lumber and timber, plank and boards, sawn, of boxwood, cherry, walnut, chestnut, mahogany, pitch pine, rosewood, sandalwood, Spanish cedar, oak, hickory and whitewood, not shaped, planed or otherwise manufactured,
Locomotives and railway passenger, baggage and freight cars, being the property of railway companies in the United States, running upon any line of road crossing the frontier, so long as Canadian locomotives and cars are admitted free under similar circumstances in the United States, under regulations to be prescribed by the Minister of Customs,

Madder and munjeet, or Indian madder, ground or prepared, and all extracts of,
Manilla grass,
Medals of gold, silver or copper,
Meerschaum, crude or raw,
Mineralogy, specimens of,
Models of inventions and other improvements in the arts; but no article or articles shall be deemed a model or improvement which can be fitted for use,
Moss, Iceland and other mosses, crude,
Moss, seaweed, and all other vegetable substances used for beds and mattresses, in their natural state, or only cleaned,
Menageries—horses, cattle, carriages, and harnesses of, under regulations to be prescribed by the Minister of Customs,
Machinery for worsted or cotton mills, of kinds which are not manufactured in Canada,

Nitrate of soda, or cubic nitre,
Nut galls,
Newspapers received by mail,
Nickel,

Oak bark,
Oakum,
Oil cake, cotton seed cake, palm nut cake and meal,
Oils, cocoanut and palm, in their natural state,
Oranges and rinds of, in brine, for candying,
Ores of metals of all kinds,
Osiers,
Oxalic acid,

Paintings, in oil, by artists of well-known merit, or copies of the old masters by such artists,
Palm leaf, unmanufactured,
Pearl, mother of, not manufactured,
Persis, or extract of archill and cudbear,
Philosophical instruments and apparatus, including globes and pictorial illustrations of insects, etc., when imported by and for the use of colleges and schools, scientific and literary societies,
Phosphorus,
Pelts,
Pipe clay,

Pitch

Pitch (pine),
Pumice and pumice stone,
Plaits, straw, Tuscan and grass,
Precipitate of copper, crude,

Rags, of cotton, linen, jute and hemp, paper waste or clippings and waste of any kind, fit only for manufacture of paper,
Rattans and reeds unmanufactured,
Rennet, raw or prepared,
Resin,
Rhubarb root,

Salt, imported from the United Kingdom or any British possession or imported for the use of the sea or gulf fisheries,
Saffron and safflower, and extract of,
Saffron cake,
Sal ammoniac,
Sal soda,
Sand,
Sea-weed, not elsewhere specified,
Sea-grass,
Senna, in leaves,
Silex or crystalized quartz,
Silk, raw or as reeled from the cocoon, not being doubled, twisted or advanced in manufacture in any way, silk cocoons and silk waste,
Skins, undressed, dried, salted or pickled,
Soda ash,
Soda, caustic,
Soda, silicate of,
Settlers' effects, viz.: Wearing apparel, household furniture, professional books, implements and tools of trade, occupation or employment, which the settler has had in actual use for at least six months before removal to Canada, not to include machinery, or live stock, or articles imported for use in any manufacturing establishment, or for sale; provided that any dutiable article entered as settlers' effects shall not be sold or otherwise disposed of without payment of duty, until after two years actual use in Canada.
Steel,—until the first day of January, 1881, steel in ingots, bars, sheets and coils, railway bars or rails and fish-plates, shall be free of duty,
Sulphur, in roll or flour,

Tails, undressed,
Tampico, white and black,
Tanners' bark,
Tar (pine),
Terra Japonica,
Teasels,
Tobacco, unmanufactured, for excise purposes, under conditions of Act 31 Victoria, chapter 51,
Tortoise and other shells, unmanufactured,
Travellers' baggage, under regulations to be prescribed by the Minister of Customs,
Turmeric,
Turpentine, raw or crude,

Turtles,

Turtles,
Tree-nails,

Varnish, black and bright, for ships' use,
Vitriol, blue,
Veneers of wood and ivory, sawn only,
Verdigris, or sub-acetate of copper, dry,
Vegetable fibres, natural, not produced by any mechanical process,

Whiting or whitening,
Whalebone, unmanufactured,
Whale-oil, in casks from on shipboard, and in the condition in which it was first landed,
Willow for basket-makers,
Wire rigging for ships and vessels,
Wool unmanufactured, hair of the alpaca, goat and other like animals,

Yellow metal, in bolts, bars, and for sheathing.

SCHEDULE C.

GOODS FREE IN THE CASES THEREIN MENTIONED.

The following articles when the natural products, or the manufactures of the colony of Newfoundland, viz:—

Fish, fresh, dried, salted or smoked,
Fish-oil and all products of fish,
Seal-oil,
Animals of all kinds.

SCHEDULE D.

The following articles shall be prohibited to be imported under a penalty of two hundred dollars, together with the forfeiture of the parcel or package of goods in which the same may be found, viz.:—

Books, printed papers, drawings, paintings, prints, photographs or representations of any kind of a treasonable or seditious, or of an immoral or indecent character.

Coin, base or counterfeit.

CHAP. 16.

An Act to amend and consolidate the laws relating to Weights and Measures.

[Assented to 15th May, 1879.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

Preliminary.

1. This Act may be cited as the "*Weights and Measures Act of* 1879." Short title.

2. This Act shall not come into operation until the first day of July, one thousand eight hundred and seventy-nine, which day is hereinafter referred to as the commencement of this Act. Commencement of Act.

I. THE LAW OF WEIGHTS AND MEASURES.

Uniformity of Weights and Measures.

3. Except as herein otherwise provided the same weights and measures shall be used throughout the Dominion of Canada. To be the samethrougt-out Canada.

Standards of Measure and Weight.

4. The bronze bar and the platinum weights more particularly described in the first part of the first schedule to this Act, and at the passing of this Act deposited in the Department of Inland Revenue in the custody of the Minister of Inland Revenue, as provided in the Act passed in the the thirty-sixth year of Her Majesty's reign, intituled "*An Act respecting Weights and Measures,*" shall continue to be the Dominion standards of measure and weight. The said bronze bar shall continue to be the Dominion standard for determining the standard yard for the Dominion of Canada; and the said platinum weights shall respectively continue to be the Dominion standards for determining the standard pound and the standard troy ounce for the Dominion of Canada. Standards prepared under 36 V., c. 47, to be the Dominion standards.

5.

Parliamentary copies.

5. The two copies of the standards of measure and weight, described in the second part of the first schedule to this Act and deposited as therein mentioned, shall be deemed to be Parliamentary copies of the said Dominion standards.

Renewal of Dominion standards in case of loss.

6. If at any time either of the Dominion standards of measure and weight is lost, or in any manner destroyed, defaced or otherwise injured, the Department of Inland Revenue may cause the same to be restored by reference to or adoption of any of the Parliamentary copies of that standard, or of such of them as may remain available for that purpose.

Renewal of Parliamentary standards.

7. If at any time any of the Parliamentary copies of either of the Dominion standards is lost, or in any manner destroyed, defaced or otherwise injured, the Department of Inland Revenue may cause the same to be restored by reference either to the corresponding Dominion standard, or to one of the other Parliamentary copies of that standard.

Secondary or Departmental standards.

8. The Departmental standards of measure and weight which, having been derived from the Dominion standards, are at the commencement of this Act in use under the direction of the Department of Inland Revenue, and are mentioned in the second schedule to this Act, and no others (save as hereinafter mentioned), shall be secondary standards of measure and weight, and shall be called Departmental standards.

Renewal in case of loss.

If at any time any of such standards be lost, or in any manner destroyed, defaced or otherwise injured, the Department of Inland Revenue may cause the same to be restored by reference either to one of the Dominion standards or to one of the Parliamentary copies of those standards.

Standards of new denominations.

The Department of Inland Revenue shall, from time to time, cause such new denominations of standards, being either equivalent to or multiples or aliquot parts of the Dominion weights and measures ascertained by this Act, as may be required in addition to those mentioned in the second schedule to this Act to be made and duly verified, and such new denominations of standards, when approved by the Governor in Council, shall be Departmental standards in like manner as if they were mentioned in the said schedule.

Cancellation of a Departmental standard.

It shall be lawful for the Governor in Council, to declare that a Departmental standard for the time being of any denomination, whether mentioned in the said schedule or approved by Order in Council, shall cease to be such a standard.

9.

9. The standards of measure and weight which are, at the commencement of this Act, legally in use by inspectors or deputy inspectors of weights and measures, for the purpose of verification or inspection, and all copies of the Departmental standards which, after the commencement of this Act, are compared with those standards and verified by the Department of Inland Revenue, for the purpose of being used by inspectors of weights and measures under this Act, as standards for the verification or inspection of weights and measures, shall be called local standards. **Local standards.**

Dominion Measures of Length.

10. The straight line or distance between the centres of the two gold plugs or pins (as mentioned in the first schedule to this Act) in the bronze bar by this Act declared to be the Dominion standard for determining the Dominion standard yard, measured when the bar is at a temperature of sixty-one degrees and ninety-one hundredths, of Fahrenheit's thermometer, and when it is supported on bronze rollers placed under it in such manner as best to avoid flexure of the bar and to facilitate its free expansion and contraction from variating temperature, shall be the legal standard measure of length and shall be called the Dominion standard yard, and shall be the only unit or standard measure of extension from which all other measures of extension, whether linear, superficial or solid, shall be ascertained. **Standard yard defined.**

11. One-third part of the Dominion Standard yard shall be a foot, and the twelfth part of such foot shall be an inch, and the rod, pole or perch in length, shall contain five such yards and a half, and the chain shall contain twenty-two such yards, and the link shall be the one hundredth part of the chain, the furlong shall contain two hundred and twenty such yards; and the mile, one thousand seven hundred and sixty such yards. **Standard foot, inch, rod, link, furlong and mile.**

12. The rood of land shall contain one thousand two hundred and ten square yards, according to the Dominion standard yard, and the acre of land shall contain one hundred thousand square links, being four thousand eight hundred and forty such square yards, or one hundred and sixty square rods, poles, or perches : **Standard rood and acre.**

13. Provided, that in the Province of Quebec the measures of length and superficies for all lands comprised in those parts of the Province originally granted under the seigniorial tenure, shall be French measures, the ratio and proportion **Proviso as to seignoirial lands in the Province of Quebec.**

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tion of which shall be to the Dominion standard measures as follows, that is to say:—

French foot. 1. The foot—"French measure" or "Paris foot"—shall be held to contain twelve inches and seventy-nine hundredths of an inch, standard measure;

Arpent. 2. The "Arpent," when used as a measure of length, shall be one hundred and eighty French feet; and when used as a measure of superficies, shall contain thirty-two thousand four hundred square French feet; and the "Perch," as a measure of length, shall contain eighteen French feet, and as a measure of superficies, three hundred and twenty-four square French feet:

Perch.

French measure to be used only for such lands. 3. Provided, that the provisions of this section shall apply only to territorial measurement; and the French measures "Toise" and "Ell" (*Aune*), shall not be used hereafter as standard measures, but the standard yard, as described in the tenth section of this Act, shall be used instead thereof.

Dominion Measures of Weight and Capacity.

Standard pound. **14**. The Imperial pound, as established by the Act passed by the Parliament of Great Britain and Ireland, in the forty-first and forty-second years of Her Majesty's reign, intituled "*The Weights and Measures Act of* 1878," as represented by the platinum iridium weight mentioned in the first schedule to this Act, and hereby declared to be the Dominion standard for determining the Dominion standard pound, shall be the legal standard measure of weight and of measure, having reference to weight, and shall be called the Dominion standard pound, and shall be the only unit or standard measure of weight from which all other weights, and all measures having reference to weight, shall be ascertained.

Standard ounce, dram and grain. **15**. One-sixteenth part of the Dominion standard pound shall be an ounce, and one-sixteenth part of such ounce shall be a dram, and one seven-thousandth part of the Dominion standard pound shall be a grain;

Cental or cwt. and ton. One hundred standard pounds shall be a cental or hundred weight, and twenty centals or two thousand pounds, shall be a ton;

Troy ounce. Four hundred and eighty grains shall be an ounce Troy:

All other weights avoirdupois. All the foregoing weights, except the ounce Troy, shall be deemed to be avoirdupois weights.

Standard gallon. **16**. The unit or standard measure of capacity, from which all other measures of capacity, as well for liquids as for dry goods

goods shall be derived, shall be the gallon containing ten Dominion standard pounds weight of distilled water weighed in air against brass weights with the water and the air at the temperature of sixty-two degrees of Fahrenheit's thermometer, and with the barometer at thirty inches;

Quart and pint. The quart shall be one-fourth part of the gallon, and the pint shall be one-eighth part of the gallon ;

Peck and barrel. Two gallons shall be a peck ; eight gallons shall be a bushel, and twenty-five gallons shall be a barrel:

Proviso: for use of wine gallon by agreement, until 1st May, 1880. 2. Provided always, that until the first day of May, one thousand eight hundred and eighty, the wine gallon of two hundred and thirty-one cubic inches may be used in any case by special understanding between the parties to any contract or agreement for the measurement of liquids, and the ratio or proportion which such measure shall bear to the standard gallon shall be as follows: six wine gallons shall be equal to five standard gallons.

Bushel of certain articles determined by weight. **17.** In contracts for the sale and delivery of any of the undermentioned articles, the bushel shall be determined by weighing, unless a bushel by measure be specially agreed upon—the weight equivalent to a bushel being as follows :—

Wheat, sixty pounds;
Indian corn, fifty-six pounds ;
Rye, fifty-six pounds;
Peas, sixty pounds;
Barley, forty-eight pounds ;
Malt, thirty-six pounds;
Oats, thirty-four pounds ;
Beans, sixty pounds;
Clover seed, sixty pounds;
Timothy seed, forty-eight pounds;
Buckwheat, forty-eight pounds;
Flax seed, fifty pounds;
Hemp seed, forty-four pounds;
Blue grass seed, fourteen pounds;
Castor beans, forty pounds ;
Potatoes, turnips, carrots, parsnips, beets and onions, sixty pounds.

Heaped measure forbidden. **18.** In using a Dominion measure of capacity the same shall not be heaped, but either shall be stricken with a round stick or roller straight and of the same diameter from end to end, or if the article sold cannot from its size or shape be conveniently stricken, shall be filled in all parts as nearly to the level of the brim as the size and shape of the article will admit.

Metric equivalents of Dominion Weights and Measures.

Table 3 in schedule to be used for equivalents in metric system.

19. The table in the third schedule to this Act shall be deemed to set forth the equivalents in Dominion weights and measures of the weights and measures therein expressed in terms of the metric system and such table may be lawfully used for computing and expressing in weights and measures, weights and measures of the metric system.

Use of Dominion Weights and Measures.

Contracts to be by standard weights and measures, all others void.

20. Every contract, bargain, sale or dealing made or had in the Dominion of Canada for any work, goods, wares or merchandise, or other thing which has been or is to be done, sold, delivered, carried or agreed for by weight or measure, shall be deemed to be made and had according to one of the Dominion weights or measures ascertained by this Act, or to some multiple or part thereof, and if not so made or had shall be void, except only when made according to the metric system; and all tolls and duties charged or collected according to weight or measure, shall be charged and collected according to one of the Dominion weights or measures ascertained by this Act, or to some multiple or part thereof:

Exception as to metric system.
Tolls and duties.

"Trade," what to be deemed.

Such contract, bargain, sale,dealing and collection of tolls and duties, as is in this section mentioned, is in this Act referred to under the term "trade:"

Local weights, &c., unlawful.

No local or customary measures, nor the use of heaped measures, shall be lawful:

Penalty for using other than Dominion weights and measures.

Any person who sells by any denomination of weight or measure other than one of the Dominion weights or measures, or some multiple or part thereof, and any public weigher or measurer, who uses any weight or measure, or who uses, in any certificate as to the weight or measure of any article weighed or measured by him, any other than one of the Dominion weights or measures, or some multiple or part thereof, shall be liable to a fine not exceeding twenty dollars for every such sale, weighing or certificate.

Weight to be avoirdupois;—

21. All articles sold by weight shall be sold by avoirdupois weight, except that,—

Except certain articles which may be sold by troy weight.

Gold and silver, platinum and precious stones, and articles made thereof, may be sold by the ounce troy or by any decimal part of such ounce, and all contracts, bargains, sales and dealings in relation thereto shall be deemed to be made and had by such weight, and when so made or had shall be valid:

Penalty for contravention.

And every person who acts in contravention of this section shall be liable to a penalty not exceeding twenty-five dollars for each offence:

22. Provided always, that a contract or agreement shall not be invalid or open to objection on the ground that the weights or measures expressed or referred to therein are weights or measures of the metric system, or on the ground that decimal subdivisions of Dominion weights and measures, whether metric or otherwise, are used in such contract or dealing.

Proviso as to metric weights or measures, or decimal divisions of Dominion ones.

Nothing in this Act shall prevent the sale, or subject a person to a penalty under this Act for the sale of an article in any vessel, such vessel being included in the sale, when such vessel is not represented as containing any amount of Dominion measures, nor subject a person to a penalty under this Act for the possession of a vessel when it is shewn that such vessel is not used nor intended for use as a measure.

As to sales of articles in vessels.

Unjust Weights, Measures and Weighing Machines.

24. Every person who uses or has in his possession for use in trade any weight, measure, scale, balance, steelyard or weighing machine, which is false or unjust, shall be liable to a fine not exceeding twenty-five dollars, or, in the case of a second offence, fifty dollars; and any contract, bargain, sale or dealing made by the same shall be void, and the weight, measure, scale, balance, steelyard or weighing machine shall be liable to be forfeited.

Penalty for having false or unjust weights, scales or measures.

25. When any fraud is wilfully committed in the using of any weight, measure, scale, balance, steelyard or weighing machine, the person committing such fraud, and every person party to the fraud, shall be liable to a fine not exceeding twenty-five dollars, or, in the case of a second offence, fifty ollars, and the weight, measure, scale, balance, steelyard or eighing-machine shall be forfeited.

Penalty for fraud by the use of false weights, &c.

26. Every person who wilfully makes, or sells, or causes to be made or sold, any false or unjust weight, measure, scale, balance, steelyard or weighing-machine, shall be liable to a penalty not exceeding fifty dollars, or, in the case of a second offence, one hundred dollars for each offence.

Or for making or selling the same.

Stamping and Verification of Weights and Measures.

27. Every weight, except when the small size of the weight renders it impracticable, shall have the denomination of such weight stamped or engraved on the top or side thereof in legible figures and letters. Every measure of capacity shall have the denomination thereof stamped or engraved on the outside of such measure in legible figures and letters. Every beam, steelyard or other weighing-machine shall have marked upon some essential part of it the maximum weight which it is constructed to weigh, and also on the weights or poises used with it their actual weight when truly adjusted, in parts

Lawful weights, measures, scales and weighing contrivances to be stamped.

And no other. parts or multiples of the avoirdupois pound. A weight or measure not in conformity with this section shall not be stamped with such stamp of verification under this Act, as is herein mentioned.

Penalty for using unstamped weights or measures or weighing machines, in business.

28. Every trader, manufacturer, carrier, public weigher, gauger, measurer, surveyor, or other person, who uses, for any purpose of buying, selling, or charging for the carriage of any goods, wares, merchandise or thing, or of measuring any land, goods, materials or other thing, for the purpose of charging for or ascertaining the price to be paid, or the charge to be made therefor, any weight or measure, or weighing-machine which has not been duly inspected and stamped according to this Act, shall be guilty of an offence against this Act, and shall, on conviction, incur a penalty of not more than fifty nor less than five dollars for each such offence; and every such unstamped weight, weighing-machine or measure so used, found in his possession, shall, on being discovered by the Inspector, or his Assistant, be forfeited and forthwith seized and broken by him, without suit or other authority than this Act:

Forfeiture, &c.

Exception as to makers or dealers in weights, measures, &c.

2. Except that the manufacturer of or dealer in weights, measures or weighing-machines, who has in his possession for sale, any weight, measure or weighing-machine, shall not be bound to have the same inspected and stamped according to this Act, so long as the same remain in his manufactory or warehouse; but no such weight, measure or weighing machine shall be removed from his premises, sold or taken into use for trade without having been inspected and stamped:

Penalty on trader having unlawful weights, &c., in possession.

3. Any trader not being a manufacturer of or dealer in weights, measures or weighing-machines, having in his possession any unstamped weights, measures or weighing-machines, shall be liable to a penalty of twenty-five dollars for the first offence, and for each subsequent offence to a penalty of fifty dollars; and the Inspector or his assistant shall forthwith seize such weights, measures or weighing-machines, which shall be forfeited.

Forfeiture.

As to weights of lead or pewter.

29. A weight made of lead or pewter, or of any mixture thereof, shall not be stamped with a stamp of verification, or used for trade, unless it be wholly and substantially cased with brass, iron or copper, and legibly stamped or marked "*cased*:"

Proviso as to plugs.

But nothing in this section shall prevent the insertion into a weight of such a plug of lead or pewter as is *bonâ fide* necessary for the purpose of adjusting it, and of affixing thereto the stamp of verification:

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A person guilty of any offence against, or disobedience to the provisions of this section, shall be liable to a penalty not exceeding twenty-five dollars, or in case of a second offence, fifty dollars. **Penalty for contravention.**

30. If any person forges or counterfeits any stamp used for the stamping, under this Act, of any measure, weight, balance or weighing-machine, or used before the commencement of this Act for the stamping of any measure, weight, balance or weighing-machine under any enactment repealed by this Act, or wilfully increases or diminishes any weight or measure so stamped, or in any way alters or tampers with any balance or weighing-machine which has been so stamped, so as to cause it to weigh unjustly, he shall be liable to a penalty of forty dollars for the first offence, and for each subsequent offence he shall incur a penalty of one hundred dollars and two months imprisonment: **Penalty for forging or counterfeiting stamps used under this Act.**

Any person who knowingly uses, sells, utters, disposes of, or exposes for sale, any measure, weight, balance or weighing-machine, with such forged or counterfeit stamp thereon, or any weight, measure, balance or weighing-machine so increased, diminished, falsified or tampered with, shall be liable to a penalty for the first offence not exceeding fifty dollars, and for each subsequent offence one hundred dollars **Or for knowingly using counterfeits.**

II.—ADMINISTRATION.

Central.

31. The Department of Inland Revenue shall have the custody of the Dominion standards of measure and weight, and of the Departmental standards, and of all balances, apparatus, books, documents and things used in connection therewith or relating thereto. **Inland Revenue Department to have custody of standards, &c.**

32. The Parliamentary copies of the Dominion standards of measure and weight, mentioned in part two of the First Schedule to this Act, shall continue to be deposited as therein mentioned: **Deposit of Parliamentary standards.**

The Department of Inland Revenue shall cause the Parliamentary copies of the Dominion standards of measure and weight to be compared with each other once in every five years, and once in every ten years with Dominion standards of measure and weight. **Periodical comparison of such standards.**

33. Once, at least, in every five years the Department of Inland Revenue shall cause the Departmental standards, for the time being, to be compared with the Parliamentary copies of the Dominion standards of measure and weight made and approved in pursuance of this Act, and with each other, and to be adjusted or renewed if requisite: **And of Departmental standards.**

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Record of verification.

A record shall be kept by the Department of Inland Revenue of all standards verified or re-verified, showing full particulars of the results of such verification or re-verification.

Copies of metric standards and their use for lawful purposes.

34. The copies of the metric standards mentioned in the fourth schedule to this Act having been obtained and deposited in the custody of the Department of Inland Revenue, the said Department may cause to be compared with the said standards and verified, all metric weights and measures which are submitted to them for the purpose, and which are of such shape and construction as may be, from time to time, directed by any Order in Council in that behalf, and which the Minister of Inland Revenue is satisfied are intended to be used for the purpose of science or of manufacture, or for any lawful purpose within the meaning of this Act.

Comparisons, verifications, &c., how made.

Duty of Commissioner of Inland Revenue with respect to them, and as to standards generally.

Compensation for such service;

35. All comparisons, verifications and other operations with reference to standards of length, weight and capacity, shall be conducted under the supervision of the Commissioner of Inland Revenue, and generally he shall have such powers and duties in relation thereto as may be assigned to him by Order in Council. It shall also be the duty of the Commissioner of Inland Revenue to conduct all such comparisons, verifications and other operations with reference to standards of measure and weight in aid of scientific researches, or otherwise, as the Minister of Inland Revenue may deem expedient; and in consideration of the special qualifications and knowledge necessary for the proper discharge of such duties, the said Commissioner may be paid, in addition to his salary as Commissioner, such further allowance out of any moneys voted by Parliament for the purposes of this Act, as may be directed by the Governor in Council.

Local.

Inspectors, appointment and duties of, and of Assistants.

Remuneration.

36. The Governor may, from time to time, appoint one or more Inspectors of weights and measures for each Province, and such number of assistants to each Inspector as may, from time to time, be found necessary, and may, from time to time, assign them Inspection Divisions, and their powers and duties shall be as defined by this Act, by the regulations made under it, and by instructions from the Minister of Inland Revenue; and may assign to each Inspector or assistant so appointed such remuneration or salary, not exceeding what may have been voted by Parliament, as may be deemed expedient; and may also allow to each such Inspector or assistant such further sum as will suffice to meet his actual expenses in the performance of his official duties.

37. The Governor may, in his discretion, appoint any officer of the Inland Revenue Department to the office of District Inspector under this Act, and such officer shall discharge the duties assigned to him under this Act, in conjunction with and in addition to his other official duties,—anything in any Act or law to the contrary notwithstanding : District Inspectors

2. Each Inspector or assistant on appointment, shall take an oath for the faithful discharge of his duties, and shall give bonds in a sum to be fixed by Order in Council for the safe custody and preservation of the standard weights and measures and other apparatus intrusted to him, for their delivery over to his successor in case of his resignation or removal from office, and for duly accounting for all moneys collected by him : Oath of office.

3. Each Inspector shall be furnished by the Minister of Inland Revenue with one or more sets of standards, to be called "The Local Standards," carefully verified and authenticated by comparison with the Departmental standards in the custody of the Department of Inland Revenue, and with such apparatus as may be requisite to enable him to perform his duties under this Act. To be provided with Local Standards.

38. No officer appointed under this Act shall be a maker or seller of weights, measures or weighing-machines, but by special departmental instructions in that behalf, he may be allowed to adjust, or alter, or cause to be adjusted or altered, any weight verified by him or submitted to him for verification, collecting such compensation for the value of such adjustment or alteration as may be authorized by Order in Council : Officers not to be makers or sellers of weights or measures, &c

2. The "Standards" and other apparatus shall be used by the Inspector or assistant into whose custody they are given solely for the purpose of comparing and verifying weights, measures, balances and weighing-machines used for purposes of trade. Sole use of standards by Inspectors.

39. The Inspector or his assistant shall perform such duties incident to the verification of weights and measures, and of beams, scales, steelyards and other weighing-machines, comparing and trying the same with the standard weights and measures, and other apparatus in his possession, as may be assigned to him by Departmental regulations : Duties of Inspectors and Assistants.

2. He shall, at all proper times, carefully examine and compare all weights and measures, and all beams, scales or other weighing-machines of any kind presented to him within his division; and when found correct and just he shall mark, stamp or brand the same in such manner as may, from time to Examination and marking of weights, &c.

to time, be directed by the Minister of Inland Revenue, who shall furnish such stamps, brands and implements as he may think proper for that purpose.

Times and places of inspection and verification.

40. Each Inspector, or his assistant shall, upon such day or days and at such place or places within his district as he may, from time to time, appoint in pursuance of such Departmental regulations as may be made in that behalf,—and of which day or days, place or places, public notice shall be given in the manner to be provided by such regulations,—attend with his inspection standards and other apparatus, for the purpose of inspecting all weights, measures and weighing-machines, and shall then and there inspect and verify, and if found correct, shall stamp and certify all weights and measures, scales and other weighing-machines.

Stamping, &c., when found correct.

Power of Inspectors to enter shops, &c.

41. The Inspector, or his assistant may, at all reasonable times, without notice, enter any shop, store, warehouse, stall, yard or place whatsoever, within his division, where any commodity is bought, sold, exposed or kept for sale, or charged for carriage or conveyance by weight or measure, and there examine all weights, measures, beams, scales, steelyards or other weighing-machines, and compare and try the same with the local standards of weight and measure in his possession; and it shall be his duty to do so from time to time, and without previous notice, so as best to ensure compliance with the provisions of this Act, and the discovery and punishment of any infractions thereof; and it shall be his duty to attend at any reasonable time and place, and when not otherwise engaged in the performance of his duties, for the purpose of inspecting and verifying any fixed and non-portable weighing-machine in his division; and he may also, subject to regulations made by Orders in Council in that behalf, at any time when not so engaged, as aforesaid, inspect, verify, stamp and certify any weights, measures or weighing-machines, at the request of the owner thereof, and at any place in his division.

Without previous notice.

To inspect when called on if not otherwise on duty.

Subject to regulations.

To keep a record of inspections, &c.

42. The Inspector shall keep a book in which he shall enter minutes of all verifications made by him, or his assistant, and at the time of every inspection he or his assistant shall deliver to the owner of any weights or measures, or weighing machines verified, or to the person procuring the verification, a certificate under his hand, setting forth the fact and date of such verification, and enumerating the weights, measures or weighing-machines inspected.

Re-inspection at certain periods.

43. Within four months after the expiration of two years from the first verification and stamping, and within a period of two years after each subsequent verification, every weight, measure and weighing-machine shall be again inspected and verified,

verified, and a new certificate of such inspection and verification obtained from the proper Inspector; and the production of the certificate shall be *primâ facie* evidence of the verification, or stamping, or re-verification having taken place within the period prescribed by law.

44. Any person, not being a manufacturer or dealer in weights, measures and weighing-machines, who refuses to produce for inspection when required to do so by any Inspector or Inspector's assistant appointed under this Act, all weights, measures and weighing-machines in his possession, and used for any purpose of trade, or— **Penalty for refusing to produce weights, &c., for inspection.**

2. Any manufacturer of or dealer in weights, measures or weighing-machines, who refuses to permit the inspection, when required in the manner herein provided, of any weights, measures or weighing-machines about to be removed from his premises to be used for purposes of trade, or who permits any such weights, measures or weighing-machines to be so removed without having been first inspected and stamped as herein required,— **Or refusing to permit inspection.**

Shall, on conviction, forfeit and pay a sum not exceeding twenty dollars for the first, and forty dollars for the second or any subsequent offence. **The penalty.**

45. No weight or measure or weighing-machine duly stamped by any Inspector, or other person hereby legally authorized to examine and stamp the same, shall be liable to be re-stamped, although the same be used beyond the limits of the inspection division within which it was originally stamped, but shall be considered as a legal weight or measure or weighing-machine throughout Canada, unless found to be defective or unjust on any subsequent periodical or other inspection, to which it shall remain subject as provided by this Act, by the Inspector or his assistant for the division in which it may then be. **As to weights and measures, &c., stamped in any division and used in another.**

46. If any Inspector or Inspector's assistant stamps or marks any balance, beam, weight or measure, or weighing-machine, without having first duly compared and verified the same with the standard or other authorized instrument in his possession for the purpose, he shall, on conviction, incur a penalty not exceeding fifty dollars for each offence. **Penalty for stamping any weight, &c., without verifying it.**

47. If any Inspector or Inspector's assistant knowingly stamps any balance, beam, weight or measure, or weighing-machine, belonging to any person residing within the limits of any inspection division for which another Inspector has been legally appointed, he shall, on conviction, incur a penalty not exceeding five dollars for every weight or measure, or weighing-machine so stamped. **Or for stamping it out of the proper division.**

III.—MISCELLANEOUS.

III—MISCELLANEOUS.

Regulations by Governor in Council for certain purposes.

48. The Governor in Council may, from time to time, make, repeal or amend regulations consistent with this Act, for or concerning any or all of the subjects herein mentioned :—

1. The guidance of the Inspectors and their assistants in performance of their duties ;

2. The replacement and use of the standards ;

3. The methods of verifying local standards or weights and measures, weighing-machines and balances, and of certifying such verification ;

4. The amount of error that may be tolerated in weights, measures, balances and weighing-machines ;

5. The shapes, dimensions and proportions to be required in weights, weighing-machines and measures, and the material of which they may be made ;

6. The marking on weights and measures authorized under this Act of their several denominations :

Publication.

And such regulations shall be published in the *Canada Gazette*.

Governor in Council may make tariff of fees for inspection.

Publication.

Application of fees.

49. The Governor in Council may, from time to time, make, repeal or amend a tariff of fees to be paid to the Inspectors or their assistants for inspecting and stamping weights and measures, balances, beams and other weighing-machines, under this Act ; and the Order in Council containing such tariff and regulations, and any repeal or amendment thereof, shall be published in the *Canada Gazette* ; and the said fees shall form part of the Consolidated Revenue Fund of Canada.

When and how such fees are to be paid.

Stamp to be affixed to certificate.

50. Such fees shall be paid at the time of the inspection, stamping or verification, to the Inspector or his assistant, who shall affix to the certificate given by him an adhesive stamp or stamps to the amount of such fee, and shall, at the time of affixing the same, write or mark thereon, in such manner as may be directed by Departmental regulations, the date at which it is affixed ; and no certificate shall be valid or avail for any purpose whatsoever unless the requisite stamp or stamps have been duly affixed and remain affixed thereto and cancelled.

Adhesive stamps for use under this Act.

51. The Governor in Council may, from time to time, direct adhesive stamps to be prepared for the purposes of this

this Act, and bearing such device as he thinks proper, and may defray the cost thereof out of any unappropriated moneys forming part of the Consolidated Revenue Fund:

The device on such adhesive stamp shall express the value thereof, that is to say, the sum at which it shall be reckoned in payment of the duty hereby imposed. Device thereon.

52. Separate accounts shall be kept of all expenditure incurred and of all fees and duties collected and received under the authority of this Act; and a correct statement of the same up to the thirtieth day of June, then last past, shall be laid before Parliament within the first fifteen days of the then next session thereof. Accounts under this Act

IV.—LEGAL PROCEEDINGS.

53. All forfeitures and penalties imposed by this Act, or by any regulation made under its authority, shall be recoverable, with costs, before any civil court of competent jurisdiction, or before any Justice of the Peace for the district, county or place in which the offence was committed, if such forfeiture or penalty does not exceed fifty dollars, and before any two such justices, or any magistrate having, by law, the power of two such justices, if it exceeeds fifty dollars, upon proof by confession, or by the oath of one credible witness,—and may, if not forthwith paid, be levied by execution or distress and sale of the goods and chattels of the offender, by warrant, under the hand and seal of such justice, justices or magistrate,—by whom also any imprisonment to which the offender is liable may be awarded; and to all such cases the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, and intituled "*An Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders,*" shall apply, subject to the provisions of this Act: Recovery of penalties and forfeitures. 32-33 V., c. 31.

2. One-half of any penalty so recovered shall belong to the party suing for the same, not being an Inspector or an Inspector's assistant, and the other half, or (if the party suing is an officer acting in pursuance of this Act) the whole penalty shall belong to Her Majesty for the uses of the Dominion: Appropriation of penalties.

3. Every such suit shall be instituted in the name of the Inspector acting in pursuance of this Act, who shall account for the penalty to the Department of Inland Revenue: In whose name suits shall be brought.

4 All false weights, beams, balances and weighing-machines seized as forfeited under this Act, shall be delivered to the District Inspector, for the district in which the offence is committed, in whose custody they shall remain, subject to the order of the Department of Inland Revenue: Forfeiture of false weights, &c.

5.

Remedy of party aggrieved by false weights, &c.

5. Any person aggrieved by the use of any weight or measure, or weighing-machine, which has not been duly inspected and stamped according to this Act, or which may be found light, deficient or otherwise unjust, may recover treble damages and costs.

Limitation of suits.

54. No action or prosecution shall be brought against any person for any forfeiture or penalty imposed by this Act, unless the same is commenced within three months after the offence is committed.

V.—REPEAL OF PREVIOUS ACTS.

Acts repealed: 36 V., c. 47, 40 V., c. 15.

55. The Act passed in the thirty-sixth year of Her Majesty's reign, and intituled "*An Act respecting Weights and Measures*," and the Act passed in the fortieth year of Her Majesty's reign, and intituled "*An Act to amend the Act respecting Weights and Measures*," are hereby repealed: Provided always, that all Acts or enactments repealed by either of the said Acts shall remain repealed, and that all things lawfully done under them or either of them shall remain valid, and all penalties incurred under them or any of them may be enforced and recovered, and all proceedings commenced under them or either of them may be continued and completed under this Act, which shall not be construed as a new law but as a consolidation and continuation of the repealed enactments with and subject to the amendments hereby made: And provided also, that the Act passed in the thirty-eighth year of Her Majesty's reign, and intituled "*An Act to compel persons delivering certain merchantable liquids in casks, to mark on such casks the capacity thereof*," shall remain in force, and all penalties incurred under it before the passing of this Act shall be recoverable and appropriated under the Act first above repealed, but all penalties incurred under it after the passing of this Act shall be recovered and appropriated in the same manner as penalties imposed under this Act.

Proviso, as to things done under repealed Acts.

38 V., c. 36, to remain in force.

As to penalties under it

SCHEDULES.

FIRST SCHEDULE.

PART I.

DOMINION STANDARDS.

The following standards were constructed under the direction of the Commissioner of Inland Revenue:—

The Dominion Standard for determining the length of the Dominion standard yard is a solid square bar, thirty-eight inches long and one inch square in transverse section, the bar being of bronze or gun metal (known as Baily's metal); near to each end a cylindrical hole is sunk (the distance between the centres of the two holes being thirty-six inches) to the depth of half an inch; at the bottom of each hole is inserted

inserted in a smaller hole a gold plug or pin, about one-tenth of an inch in diameter,and upon the surface of each pin are cut, a fine line transverse to the axis of the bar, and two lines at an interval of about one-hundredth of an inch parallel to the axis of the bar; the measure of length of the Dominion standard yard is given by the interval between the transverse line at one end and the transverse line at the other end, the part of each line which is employed being the point midway between the longitudinal lines; and the said points are in this Act referred to as the centres of the said gold plugs or pins, and such bar is marked "Mr. Baily's metal," "Standard Yard" "A," "Troughton and Simms, London." There are also, on the upper side of the bar, two holes for the insertion of the bulbs of suitable thermometers for the determination of the temperature.

The Dominion Standard for determining the weight of the Dominion standard pound is of platinum-iridium, the form being that of a cylinder nearly 1·35 inch in height and 1·15 inch in diameter, with a groove or channel round it, whose middle is about 0·34 inch below the top of the cylinder, for insertion of the points of the ivory fork by which it is to be lifted; the edges are carefully rounded off, and such standard pound is marked "A." The weight of this standard in terms of the Imperial standard is 6999·97694 grains when both are weighed *in vacuo* and 6999·98387 grains when both are weighed in air at the temperature of 62° of Fahrenheit's thermometer, the barometer being at 30 inches, and for which due allowance is to be made when comparing other standards.

The Dominion Standard for determining the weight of the Dominion standard troy ounce is of platinum-iridium, the form being that of a truncated cone, with a knob, nearly $\frac{13}{16}$ths of an inch in height, including the knob, the knob being nearly $\frac{1}{4}$ inch and the base of the cone $\frac{1}{2}$ inch in diameter respectively, and such standard troy ounce is marked "A." The weight of this standard in terms of the Imperial standard is 479·99197 grains when both are weighed *in vacuo*, and 480·03648 grains when both are weighed in air at the temperature of 62° of Fahrenheit's thermometer, the barometer being at 30 inches, for which due allowance is to be made when comparing other standards.

PART II.

PARLIAMENTARY COPIES OF DOMINION STANDARDS.

The following copies of the standards above mentioned in part one of this schedule were constructed at the same time as the above standards. They are of the same construction and form as the above standards, and they are respectively marked and deposited as follows:—

(1.) One of the copies of the Dominion standard for determining the Dominion standard yard, being a bronze bar marked "Mr. Baily's metal," "Standard Yard," "B," "Troughton

ton and Simms, London," one of the copies of the Dominion standard for determining the Dominion standard pound, marked "B," and one of the copies of the Dominion standard for determining the Dominion standard troy ounce marked "B," have been deposited with the Speaker of the Senate. This copy of the standard yard is standard at a temperature of 62·16° of Fahrenheit's thermometer and the weight of this copy of the standard pound, in terms of the Imperial standard, when both are weighed *in vacuo*, is 6999·98312 grains.

(2.) One of the copies of the Dominion standard for determining the Dominion standard yard, being a bronze bar marked "Mr. Baily's metal," "Standard Yard" "C," "Troughton and Simms, London," one of the copies of the Dominion standard for determining the Dominion standard pound, marked "C," and one of the copies of the Dominion standard for determining the Dominion standard troy ounce, marked "C," have been deposited with the Speaker of the House of Commons. This copy of the standard yard is standard at a temperature of 61·45° of Fahrenheit's thermometer, and the weight of this copy of the standard pound, in terms of the Imperial standard, when both are weighed *in vacuo*, is 6999·98367 grains.

SECOND SCHEDULE.

DEPARTMENTAL STANDARDS.

	Measures of Length.	Measures of Capacity.
No. of each.	Denomination of Standard.	Denomination of Standard.
		Set marked "a."
1	100 feet.	Bushel.
1	66 feet or chain of 100 links.	Half-bushel.
2	10 feet end measures, with bed.	Peck.
1	6 feet end measure, with bed.	Gallon.
1	3 feet or 1 yard.	Half-gallon.
1	1 inch divided into 10 decimal parts, one of which is again divided into ten sub-divisions of $\frac{1}{100}$th of an inch each.	Quart.
		Pint.
		Half-pint.
		Gill.
		Half-gill.
		Set marked "b."
		Bushel.
		Half-bushel.
		Peck.
		Gallon.
		Half-gallon.
		Quart.
		Pint.
		Half-pint.
		Gill.
		Half-gill.

WEIGHTS.

WEIGHTS.

Denomination of Standard.	Denomination of Standard.	Denomination of Standard.
Avoirdupois Weights.	Troy Bullion Weights.	Decimal Grain Weights.
Set marked "a."	*Set marked "a."*	*Set marked "a."*
50 pounds.	500 ounces.	1,000 grains.
30 do	300 do	600 do
20 do	200 do	300 do
10 do	100 do	200 do
5 do	50 do	100 do
3 do	30 do	60 do
2 do	20 do	30 do
1 pound.	10 do	20 do
8 ounces.	5 do	10 do
4 do	3 do	6 do
2 do	2 do	3 do
1 ounce.	1 do	2 do
8 drams.	·5 do	1 do
4 do	·3 do	·6 do
2 do	·2 do	·3 do
1 dram.	·1 do	·2 do
½ do	·05 do	·1 do
·5 pound.	·03 do	·06 do
·3 do	·02 do	·03 do
·2 do	·01 do	·02 do
·1 do	·005 do	·01 do
·05 do	·003 do	
·03 do	·002 do	
·02 do	·001 do	
·01 do		
·005 do		
·003 do		
·002 do		
·001 do		
Set marked "b."	*Set marked "b."*	*Set marked "b."*
50 pounds.	500 ounces.	1,000 grains.
30 do	300 do	600 do
20 do	200 do	300 do
10 do	100 do	200 do
5 do	50 do	100 do
3 do	30 do	60 do
2 do	20 do	30 do
1 pound.	10 do	20 do
8 ounces.	5 do	10 do
4 do	3 do	6 do
2 do	2 do	3 do
1 ounce.	1 do	2 do
8 drams.	·5 do	1 do
4 do	·3 do	·6 do
2 do	·2 do	·3 do
1 dram.	·1 do	·2 do
½ do	·05 do	·1 do
·5 pound.	·03 do	·06 do
·3 do	·02 do	·03 do
·2 do	·01 do	·02 do
·1 do	·005 do	·01 do
·05 do	·003 do	
·03 do	·002 do	
·02 do	·001 do	
·01 do		
·005 do		
·003 do		
·002 do		
·001 do		

THIRD SCHEDULE.

TABLES of the Values of the principal denominations of Measures and Weights of the Metric System, expressed in terms of the Standard Measures and Weights of Canada:

1.—MEASURES OF LENGTH.

Metric Denominations and Values.		Equivalents expressed in terms of the Standard of Canada.		
—	Metres.	In Standard yards and decimal parts of a yard.	In feet and decimal parts of a foot.	In links and decimal parts of a link.
Miriametre.........	10000	10939·444444	32818·333333	49724·74747
Kilometre	1000	1093·944444	3281·833333	4972·47475
Hectometre........	100	109·394444	328·183333	497·24747
Decametre.........	10	10·939444	32·818333	49·72475
Metre.	1	1·093944	3·281833	4·97247
Decimetre..........	$\frac{1}{10}$	·109394	·328183	·49725
Centimetre........	$\frac{1}{100}$	·010939	·032818	·04972
Millimetre.........	$\frac{1}{1000}$	·001094	·003282	·00497

2.—MEASURES OF SURFACE.

Metric Denominations and Value.		Equivalents expressed in terms of the Standard of Canada.	
—	Square Metres.	In square yards and decimal parts of a square yard.	In square links and decimal parts of a square link.
Hectare........................ 100 ares.	10000	11967·1444	247255·0511
Decare.......................... 10 do	1000	1196·7144	24725·5051
Are............................... 1 do	100	119·6714	2472·5505
Centiare .... $\frac{1}{100}$ do	1	1·1967	24·7255

3.—WEIGHTS.

3.—Weights.

Metric Denominations and Value.		Equivalents expressed in terms of the Standard of Canada.	
—	Grams.	In pounds Avoirdupois and decimal parts of a pound.	In grains and decimal parts of a grain Troy.
Millier	1000000	2204·62125	
Quintal	100000	220·46212	
Myriagramme	10000	22·046212	
Kilogramme	1000	2·204621	
Hectogramme	100	·220462	
Decagramme	10	·022046	
Gramme	1	·002204	15·4323487
Decigramme	1/10	·0002204	1·5432349
Centigramme	1/100	·0000220	·1543235
Milligramme	1/1000	·0000022	·0154323

4.—Measures of Capacity.

Metric Denominations and Value.			Equivalents expressed in terms of the Standard of Canada.	
—	Cubic Metres.	Litres.	In Imperial gallons and decimal parts of an Imperial gallon.	—
Kilolitre	1	1000	220·2443	
Hectolitre	1/10	100	22·0244	
Decalitre	1/100	10	2·2024	
Litre	1/1000	1	·2202	
Decilitre	1/10000	1/10	·0220	
Centilitre	1/100000	1/100	·0022	

FOURTH SCHEDULE.

Metric Standards.

List of Metric Standards in the custody of the Inland Revenue Department.

MEASURES OF LENGTH.

Metre.

The Dominion standard for determining the length of the metre is a solid square bar, forty-one and a-half inches long, and one inch square in transverse section, the bar being of bronze or gun metal (known as Baily's metal); near to each end a cylindrical hole is sunk (the distance between the centres of the two holes being one metre or thereabout) to the

the depth of half an inch; at the bottom of each hole are inserted in a smaller hole a gold plug or pin, about one-tenth of an inch in diameter, and upon the surface of each pin is cut a fine line transverse to the axis of the bar, and two lines at an interval of about one hundredth of an inch parallel to the axis of the bar. The measure of length of the metre is given by the interval between the transverse line at one end and the transverse line at the other end, the part of each line employed being the point midway between the longitudinal lines; and the said points are in this Act referred to as the centres of the said gold plugs or pins, and such bar is marked "Mr. Baily's metal," "Standard Metre," "Troughton & Simms, London." There are also on the upper side of the bar two holes for the insertion of the bulbs of suitable thermometers for the determination of the temperature. This standard is shorter than the French standard "Metre des archives" by ·00147 of a millimetre at 0° Centigrade, or 32° Fahrenheit, or is standard at 32·16° Fahrenheit.

WEIGHTS.

Kilogramme.

The Dominion standard for determining the weight of the Kilogramme is of bronze, the form being that of a cylinder with a knob, the cylinder having a groove cut in it at about two-thirds of its height. Its value as compared with the French Standard Kilogramme is 1000002·45 milligrammes, or 1.00000245 of a Kilogramme.

METRIC WEIGHTS.

No. of each.	Denomination.	No. of each.	Denomination.
1	20 Kilogrammes.	1	5 Decigrammes
1	10 do	1	2 do
1	5 do	2	1 Decigramme.
2	2 do	1	5 Centigrammes.
1	1 Kilogramme.	1	2 do
1	500 Grammes.	2	1 Centigramme.
2	200 do	1	5 Milligrammes.
1	100 do	2	2 do
1	50 do	1	1 Milligramme.
2	20 do		
1	10 do		
1	5 do		
1	2 do		
2	1 Gramme.		

CHAP.

CHAP. 17.

An Act to amend and consolidate the laws respecting duties imposed on Promissory Notes and Bills of Exchange.

[*Assented to 15th May*, 1879.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The Acts thirty-first Victoria, chapter nine, thirty-third Victoria, chapter thirteen, thirty-seventh Victoria, chapter forty-seven, except section one, and forty-first Victoria, chapter ten, are hereby repealed: Provided always, that all Acts or enactments repealed by any of the said Acts shall remain repealed, and that all things lawfully done under them or any of them shall remain valid, and all penalties incurred under them or any of them may be enforced and recovered, and all proceedings commenced under them or any of them may be continued and completed under this Act, which shall not be construed as a new law but as a consolidation and continuation of the repealed enactments with and subject to the amendments hereby made. Acts repealed: 31 V., c. 9; 33 V., c. 13; 37 V., c. 47; 41 V., c. 10. Proviso: saving things lawfully done under them.

2. In this Act the word "Bank" means and includes any chartered bank, and any banking institution, and any branch or agency thereof: Interpretation. "Bank."

The word "Broker" means and includes any broker or person by repute doing the business of brokerage: "Broker."

The word "Instrument" means and includes any promissory note, bill of exchange or part thereof, draft or order upon which a duty is payable under this Act. "Instrument."

3. The duties imposed by this Act shall be duties within the meaning and purview of the Act passed in the now last session, intituled "*An Act to provide for the better auditing of the Public Accounts*," and the proceeds of the said duties shall form part of the Consolidated Revenue Fund of Canada. Act 41 V., c. 7, to apply to duties under this Act.

4. Upon and in respect of every promissory note, draft or bill of exchange, for an amount not less than twenty-five dollars, made, drawn or accepted in Canada, previous to and from and after the passing of this Act, there shall be levied, collected and paid to Her Majesty, for the public uses of the Dominion, the duties hereinafter mentioned, that is to say:— Duties on Notes, Drafts and Bills.

On

The duties. On each such promissory note, and on each such draft or bill of exchange, a duty of one cent, if such note, bill or draft, amounts to but does not exceed twenty-five dollars,—a duty of two cents if the amount thereof exceeds twenty-five but does not exceed fifty dollars,—and a duty of three cents if the amount thereof exceeds fifty dollars but is less than one hundred dollars;

On each such promissory note, and on each such draft or bill of exchange for one hundred dollars or more, executed singly, a duty of three cents for the first hundred dollars of the amount thereof, and a further duty of three cents for each additional hundred dollars or fraction of a hundred dollars of the amount thereof;

On each such draft or bill of exchange executed in duplicate, a duty of two cents on each part for the first hundred dollars of the amount thereof, and a further duty of two cents for each additional hundred dollars or fraction of a hundred dollars of the amount thereof;

On each such draft or bill of exchange executed in more than two parts, a duty of one cent on each part for the first hundred dollars of the amount thereof, and a further duty of one cent for each additional hundred dollars or fraction of hundred dollars of the amount thereof;

As to interest. And any interest made payable at the maturity of any bill, draft or note, with the principal sum, shall be counted as part of the amount thereof.

What shall be deemed instruments liable to duty. **5.** Every bill, draft, order or instrument—

For the payment of any sum of money by a bill or promissory note, whether such payment be required to be made to the bearer or to order;

Every document usually termed a letter of credit, or whereby any person is entitled to have credit with, or to receive from or draw upon any person for any sum of money;

And every receipt for money, given by any bank or person, and entitling the person paying such money, or the bearer of such receipt, to receive the like sum from any third person,—

Shall be deemed a bill of exchange or draft chargeable with duty under this Act.

6.

6. Every bill of exchange, draft or order drawn by any officer of Her Majesty's Commissariat, or by any other officer in Her Majesty's Imperial or Provincial Service, in his official capacity, or any acceptance or indorsement by such officer on a bill of exchange drawn out of Canada, or any draft of or on any bank payable to the order of any such officer in his official capacity, as aforesaid, or any note payable on demand to bearer issued by any chartered bank in Canada, or by any bank issuing such note under the Act, chapter fifty-five of the Consolidated Statutes of the late Province of Canada, intituled "*An Act respecting Banks and freedom of Banking*," shall be free from duty under this Act; and— Instruments exempted from duty. Con. Stat. Can., c. 55.

Any cheque, if the same shall be payable on demand,—

Any post office money order, or order on any post office savings bank, and—

Any municipal debenture or coupon of such debenture—shall be free of duty under this Act.

7. No duty shall be payable under the Act of the legislature of the late Province of Canada, passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, chapter four, or under the Act of the said legislature, passed in the twenty-ninth year of Her Majesty's reign, chapter four, on any promissory note, draft or bill of exchange made, drawn or accepted, upon or after the said first day of February, one thousand eight hundred and sixty-eight; but to all promissory notes, drafts or bills of exchange made, drawn or accepted in the late Province of Canada, or in the Province of Quebec or Ontario, before the said day, and to all offences committed and penalties incurred in respect thereof, the said Acts shall continue to apply. No duty under certain Acts, on notes, &c., made after 1st February, 1868.

8. Notwithstanding anything in this Act contained, no bill of exchange drawn and payable outside of the Dominion of Canada shall be invalid, nor shall the maker or any owner or holder of any such bill be subject to any penalty in consequence of no stamp or stamps of this Dominion being affixed to such bill. No duty on bills drawn and payable out of Canada.

9. Neither this Act nor any of the Acts hereby repealed shall be construed to require or to have required that any stamp be impressed on or affixed to any instrument executed *en brevet* or otherwise before a notary in his official capacity. Exemption of notarial instruments.

10. The duty on any such promissory note, draft, bill of exchange or part thereof, shall be paid by making it upon paper stamped in the manner hereinafter provided, to the amount of such duty, or— How the duties shall be paid.

By

By adhesive stamps.

By affixing thereto an adhesive stamp or adhesive stamps of the kind hereinafter mentioned, to the amount of such duty, or—

By stamped paper and stamps.

By making the instrument on stamped paper, and, where the amount in the instrument is in excess of the amount represented by the stamp on the instrument, by affixing thereto adhesive stamps for the portion of the duty to which the instrument is liable in excess of what is represented by the stamped paper:

Cancelling adhesive stamps.

In either case the adhesive stamps shall be cancelled by writing thereon the signature or part of the signature or the initials of the maker or drawer, or of the witness attesting the signature of the maker or indorser of the instrument, or in the case of a draft or bill made or drawn out of Canada of the acceptor or first indorser in Canada, or some integral or material part of the instrument so as (as far as may be practicable) to identify each stamp with the instrument to which it is attached, and to show that it has not before been used, and to prevent its being thereafter used for any other instrument, or—

The same;

The person affixing such adhesive stamp, or the witness attesting the same shall, at the time of affixing the same, write or stamp thereon the date at which it was affixed; and such stamp shall be held *primâ facie* to have been affixed at the date stamped or written thereon:

Penalty for non-compliance with this section.

And if no integral or material part of the instrument nor any part of the signature or initials of the maker, drawer, witness or acceptor or first indorser or witness in Canada be written thereon, nor any date be so stamped or written thereon, or if the date do not agree with that of the instrument, such adhesive stamp shall be of no avail; and any person wilfully writing or stamping a false date on any adhesive stamp shall incur a penalty of one hundred dollars for each such offence.

By whom the stamps shall be affixed.

11. The stamp or stamps required to pay the duty hereby imposed shall, in the case of any promissory note, draft or bill of exchange made or drawn within Canada, and not made upon paper stamped to the amount of the duty, be affixed by the maker or drawer thereof, and in the case of any draft or bill of exchange drawn out of Canada, by the acceptor thereof or the first indorser thereof in Canada; and such maker or drawer, acceptor or first indorser, failing to affix such stamp or stamps at the time of making, drawing, accepting or indorsing such note, draft or bill, or affixing stamps of insufficient amount, shall thereby incur a penalty hereinafter imposed; and the duty payable on such instrument, or the duty by which the stamps affixed fall short of the

Penalty for default.

the proper amount, shall be doubled,—stamps upon the paper being deemed to be affixed thereto for all the purposes of this Act; and any deficiency in the amount of the stamp on the paper may be made up by adhesive stamps.

If the paper be stamped.

12. If any person in Canada makes, draws, accepts, indorses, signs, becomes a party to, or pays any promissory note, draft or bill of exchange, chargeable with duty under this Act, before the duty (or double duty as the case may be) has been paid, by affixing thereto the proper stamp or stamps, (or by making it on stamped paper or by both) such person shall thereby incur a penalty of one hundred dollars, and save only in the case of payment of double duty, as in the next section provided, such instrument shall be invalid and of no effect in law or in equity, and the acceptance, or payment, or protest thereof, shall be of no effect; and in suing for any such penalty, the fact that no part of the signature of the party charged with neglecting to affix the proper stamp or stamps, or his initials is or are written over the stamp or stamps affixed to any such instrument, or that no date, or a date that does not correspond with the time when the duty ought to have been paid, is written or marked on the stamp or stamps, shall be *primâ facie* evidence that such party did not affix it or them as required by this Act: but no party to or holder of any such instrument shall incur any penalty by reason of the duty thereon not having been paid at the proper time, and by the proper party or parties, provided that at the time it came into his hands it had affixed to it stamps to the amount of the duty apparently payable upon it, that he had no knowledge that they were not affixed at the proper time, and by the proper party or parties, and that he pays the double or additional duty as in the next section provided, as soon as he acquires such knowledge.

Penalty for not affixing the proper stamps at the proper time.

Presumption in suits for penalty.

Proviso in favour of innocent holders.

13. Any holder of such instrument, including banks and brokers, may pay double duty by affixing to such instrument a stamp or stamps to the amount thereof or to the amount of double the sum by which the stamps affixed fall short of the proper duty, and by writing his initials on such stamp or stamps, and the date on which they were affixed; and where, in any suit or proceeding in law or equity, the validity of any such instrument is questioned by reason of the proper duty thereon not having been paid at all, or not paid by the proper party, or at the proper time, or of any formality as to the date or erasure of the stamps affixed having been omitted, or a wrong date placed thereon, and it appears that the holder thereof, when he became such holder, had no knowledge of such defects, such instrument shall be held to be legal and valid, if it shall appear that the holder thereof paid double duty, as in this section mentioned, so soon as he acquired such knowledge, even although such knowledge shall have been acquired

Innocent holder of unstamped or insufficiently stamped note, &c., may make it valid by payment of double duty, &c.

acquired only during such suit or proceeding; and if it shall appear in any such suit or proceeding to the satisfaction of the court or judge, as the case may be, that it was through mere error or mistake, and without any intention to violate the law on the part of the holder, that any such defect as aforesaid existed in relation to such instrument, then such instrument or any indorsement or transfer thereof, shall be held legal and valid, if the holder shall pay the double duty thereon as soon as he is aware of such error or mistake; but no party who ought to have paid duty thereon shall be released from the penalty by him incurred as aforesaid.

Provisions for validity by payment of double duty extended to bills, &c., drawn out of but payable in Canada.

14. The provisions whereby validity may be given to bills of exchange, drafts and promissory notes when drawn or made within Canada, by the payment of double duty thereon, shall for the same purposes and to the same effect, extend to such instruments when drawn or made without Canada but payable in Canada, when stamps to the amount of double duty upon such instruments shall be affixed and cancelled in the same mode as stamps in payment of double duty are affixed and cancelled to such instruments when made or drawn within Canada.

When single duty may be paid on such bills, &c.

15. It shall be sufficient in the case of any bill of exchange, draft or promissory note drawn or made without Canada but payable within Canada, in order to comply with the law, for any bank, broker, holder or party to such instrument, at the time of the acceptance or indorsation thereof, to affix thereto and cancel the proper single stamps therefor; and the date of cancellation to be marked thereon shall be the true date of such cancellation, and such date need not agree with the date of the instrument.

As to suits in which lost or destroyed bills, &c., form the ground of complaint or defence.

16. In the case of a suit to recover upon, or a defence of set-off upon a lost or destroyed bill of exchange, draft or promissory note, where there is no evidence that such instrument had been properly stamped, and when the validity of the instrument in question is contested on the ground of insufficient stamps or want of stamps, the Court having cognizance of the suit may, at any stage of the proceeding, in order to give validity to the same, allow double stamps for the requisite amount to be affixed to the record, or to any other paper or proceeding in the cause, and cancelled by or on behalf of the party interested in maintaining the validity of the instrument, plaintiff or defendant, as the case may be.

In what case only penalty shall be enforced as to unstamped bills, &c.,

17. After a note or instrument requiring to be stamped under this Act has been settled or paid, no penalty shall be enforced against any party thereto or against any person or corporation who had been the holder thereof, by reason of

of such note or instrument having been insufficiently stamped, or the stamps thereon insufficiently effaced; unless it be proved, that the party from whom a penalty is demanded, was aware before, or at the date of the maturity of such note or instrument, of the defect in the stamping thereof, or in the effacing of the stamps thereon, and did not thereupon affix double stamps thereto, in the manner provided by this Act. And the reception of such note or instrument by any party to such note or instrument, or by the holder thereof, whether such holder be a corporation or not, or by any employee or agent of such party or holder, shall not be evidence sufficient to justify a conviction or such penalty. after payment or settlement thereof.

As to bills, &c., found among effects of deceased persons.

18. In the case of a bill of exchange, draft or promissory note found amongst the securities of a deceased person, unstamped, it shall be sufficient, in order to give validity thereto, for the executor or administrator, to affix and cancel double stamps thereon, with the date of such cancellation and with the initials of the party cancelling the same.

Unstamped bills, &c., admissible in evidence in criminal cases.

19. Every instrument liable to stamp duty shall be admitted in evidence in any criminal proceeding, although it may not have the stamp required by law impressed thereon or affixed thereto.

Stamped paper may be prepared.

20. The Governor in Council may, from time to time, direct stamped paper to be prepared for the purposes of this Act, of such kinds and bearing respectively such device as he thinks proper, and may defray the cost thereof out of any unappropriated moneys forming part of the Consolidated Revenue Fund; but the device on each stamp shall express the value thereof,—that is to say the sum at which it shall be reckoned in payment of the duties imposed by this Act: Device.

Redemption of spoiled stamps or stamped paper.

2. And the Governor in Council may, from time to time, make and repeal or alter regulations for redeeming spoiled stamped paper, by the issue of new stamped paper or stamps of equal value in exchange therefor; but no such stamped paper shall be so redeemed unless when presented in quantities at one time representing a value of not less than five dollars.

Adhesive stamps: device to express value.

21. The Governor in Council may, from time to time, direct stamps to be prepared for the purposes of this Act, of such kinds and bearing respectively such device as he thinks proper, and may defray the cost thereof out of any unappropriated moneys forming part of the Consolidated Revenue Fund; but the device on each stamp shall express the value thereof, that is to say, the sum at which it shall be reckoned in payment of the duties hereby imposed.

Sale and distribution of stamped paper and stamps.

22. The Minister of Inland Revenue may appoint any Postmasters, Collectors of Inland Revenue, or other officers of the Government to be the distributors of stamps and stamped paper, under this Act, and may authorize any other person to purchase stamps from such distributors to sell again; and the Governor in Council may fix the remuneration to be allowed to such distributors, and the discount to be made to persons so purchasing to sell again; but such discount shall in no case exceed five per cent. on the value of such stamps, and shall not be allowed on any quantity less than one hundred dollars.

Governor in Council may make regulations to meet doubtful cases.

23. The Governor in Council may make such further regulations as he may deem necessary for carrying this Act into effect, and may, by an Order in Council, declare that any kind or class of instruments as to which doubt may arise, is or is not chargeable with any and what duty under this Act according to the true meaning thereof; and any Order in Council made under this Act may be explained, amended or repealed by any other such order of later date; and any Order in Council under this Act shall be published, and may be proved in the manner provided by the "*Act to amend and consolidate the Acts respecting the Customs*" as to Orders in Council under that Act.

Punishment for forging stamps or having instruments for forging.

24. If any person forges, counterfeits or imitates, or procures to be forged, counterfeited or imitated, any stamp or stamped paper, issued or authorized to be used for the purposes of this Act, or by means whereof any duty hereby imposed may be paid, or any part or portion of any such stamp,—or knowingly uses, offers, sells or exposes to sale, any such forged, counterfeited or imitated stamp,—or engraves, cuts, sinks or makes any plate, die or other thing whereby to make or imitate such stamp or any part or portion thereof, except by permission of the Minister of Inland Revenue, or some officer or person who, under an Order in Council in that behalf, may lawfully grant such permission,—or has possession of any such plate, die or other thing, without such permission,—or, without such permission, uses or has possession of any such plate, die or thing lawfully engraved, cut or made,—or tears off or removes from any instrument, on which a duty is payable under this Act, any stamp by which such duty has been wholly or in part paid,—or removes from any such stamp any writing or mark indicating that it has been used for or towards the payment of any such duty—such person shall be guilty of felony, and shall, on conviction, be liable to be imprisoned in the penitentiary for any term not exceeding twenty-one years; and every such offence shall be forgery, and punishable in the manner in which that crime is punishable by the laws of Canada.

Term of imprisonment.

Such offence to be forgery.

25.

25. Notwithstanding anything herein contained any bank or any broker who makes, draws or issues or negotiates, presents for payment, or pays, or takes, or receives, or becomes the holder of any instrument not duly stamped, either as a deposit, or in payment, or as a security, or for collection or otherwise, knowing the same not to be duly stamped, and who does not immediately on making, drawing, issuing, negotiating or presenting for payment, or paying, or taking, or receiving or becoming the holder of such instrument, affix thereto and cancel the proper stamps within the meaning of this Act, shall incur a penalty of five hundred dollars for every such offence; and shall not be entitled to recover on such instrument, or to make the same available for any purpose whatever, and any such instrument shall be invalid and of no effect in law or equity.

Penalty on bank or broker making, buying or taking note not duly stamped.

26. If any person wilfully affixes to any promissory note, draft or bill of exchange, any stamp which has been previously affixed to any other, or used for the purpose of paying any duty under this Act, or any other Act, or which has been in any way previously written upon or defaced, such person shall be guilty of a misdemeanour, and shall thereby incur a penalty of five hundred dollars.

Penalty for affixing stamps already used

27. The penalties hereinbefore imposed shall be incurred in respect of each such promissory note, draft or bill of exchange, on which the duty or double duty hereby imposed is not paid as aforesaid, or to which a stamp previously used has been fraudulently affixed, whatever be the number of such instruments executed, accepted, paid or delivered, or offences committed on the same day; and a separate penalty to the full amount shall be incurred by each person committing such offence, whatever be the number of such persons.

Penalty incurred on each instrument, though several be made on the same day.

28. The penalties imposed by the foregoing sections of this Act, shall be recoverable in the manner prescribed by "*The Interpretation Act*," in cases where penalties are imposed and the recovery is not otherwise provided for.

Recovery of penalties not otherwise provided for.

CHAP.

CHAP. 18.

An Act to provide for the inspection, safe-keeping and storage of Petroleum and the products thereof.

[*Assented to* 15*th May*, 1879.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Interpretation.

1. The word "Petroleum" means, in this Act, every description of refined petroleum, or other product of crude petroleum, sold or used for illuminating purposes.

In what cases inspection is compulsory.

Proviso: for removal in bulk for certain purposes.

2. From and after the passing of this Act, it shall not be lawful to sell, offer for sale, or have in possession any petroleum not herein exempted from inspection which has not been inspected, or offered for inspection under this Act; except that it shall be lawful to move petroleum in bulk from one refinery to another refinery or other place, for the purpose of completing the manufacture, or barrelling the same, under a permit to be obtained in that behalf from the proper Inspector, in which permit the refinery or other place to which it is to be removed shall be designated.

By whom inspection shall be performed.

3. The inspection of petroleum under this Act shall be performed by officers of the Inland Revenue, or of the Customs, duly authorized thereto by regulation of their respective departments, or by such other persons as may be designated for that purpose by the Governor in Council.

Fire test for Canadian petroleum.

As to petroleum below standard.

4. The standard fire test for Canadian petroleum shall be one hundred and five degrees of Fahrenheit's thermometer; and any Canadian petroleum below that standard shall be deemed to be explosive, and the Inspector shall not pass the same, nor shall it be barrelled or go into consumption, but it shall be manufactured to the proper standard by the refiner before it is admitted to be inspected and finally passed, except when the party having it in possession has a permit to that effect, as herein provided:

Fire test for imported petroleum.

As to petroleum below standard.

The standard fire test for imported petroleum shall be one hundred and thirty degrees of Fahrenheit's thermometer; and any petroleum below that standard imported into Canada shall be deemed to be explosive, and the proper officer of Customs shall seize such petroleum, which shall then be exported out of Canada within forty-eight hours after the seizure is made, and if not so exported shall be destroyed, except when the party having it in possession or importing it has a permit to that effect, as herein provided:

The

The standard fire test for Canadian and imported or foreign petroleum shall be ascertained and determined by means of such pyrometers or other instruments as may, from time to time, be ordered by departmental regulations in that behalf. All petroleum, whether manufactured in Canada or imported, shall be of a specific gravity equal to not *less* than eight hundred and seven thousandths (.807) of the weight of an equal measure of distilled water when both are at a temperature of sixty-two degrees by Fahrenheit's thermometer; which specific gravity is indicated by forty-five degrees on Beaumé's Hydrometer.

Fire test, how applied.

Specific gravity. *But see chap.* 19.

5. The quantity of Canadian petroleum contained in each cask or package shall be ascertained by the Inspector, who shall weigh the same before branding it, in accordance with such regulations as may, from time to time, be made by the Minister of Inland Revenue; and it shall be the duty of the Inspector to cause the following marks to be correctly placed upon one end of each cask or package of Canadian petroleum:—

Quantity in each package of Canadian P. to be ascertained.

How each package shall be marked.

1. The fire test;

2. The specific gravity;

3. The gross weight, in pounds;

4. The tare (or weight of empty package) in pounds;

5. The net weight of oil, in pounds;

6. The number of gallons contained in the package;

7. The word "Inspected," with the date of inspection and the signature of the Inspector, and the name of his district;

For the correctness of all such marks the Inspector shall be responsible.

Inspector responsible.

6. The quantity of imported petroleum in each cask or package shall be ascertained by actual gauging by the Inspector, and it shall be the duty of the Inspector to cause the following marks to be correctly placed upon one end of each cask or package of imported petroleum:—

Gauging and marking imported petroleum.

1. The fire test;

2. The specific gravity;

3. The number of gallons in each package;

4. The word "Inspected," with the date of inspection and the signature of the Inspector, and the name of his port or district.

No other mark on same end. district. And no other mark or brand whatever shall be placed upon the end of any cask or package upon which any marks or brands have been placed in compliance with the provisions of this Act:

Inspector responsible. For the correctness of all such marks the Inspector shall be responsible.

Governor in Council to make regulations as to storage and safe keeping. **7.** The Governor in Council may, from time to time, make such regulations respecting the storage of petroleum as he may deem necessary for the public safety,—special regulations being made as to the importation or possession of gasolene, benzine, benzole, naphtha or any other explosive substance being the product of crude petroleum; and no person shall have in his possession any such explosive article without having first obtained a permit to that effect from the Minister of Inland Revenue, under such restrictions and regulations as may be made from time to time by the Governor in Council, for the storage and possession of such explosive articles; and such permit must be produced to the proper officer of Customs before the importation of any such articles above mentioned shall be permitted.

Permit required for removal.

Exception as to petroleum for exportation. **8.** Packages containing petroleum which is to be exported out of Canada direct from the refinery in which it is made and packed, shall only be inspected and branded as hereinbefore prescribed, upon the request of the owner thereof; but if any petroleum for which exemption from inspection is claimed under this section, is thereafter sold or offered for sale for consumption in Canada, or removed from the refinery otherwise than for exportation, it shall thereupon become liable to inspection.

Proviso: if offered for sale.

Seizure and forfeiture for contravention of Act. **9.** All petroleum liable to inspection, sold or offered for sale without having been inspected, immediately after being manufactured or imported into Canada, shall be subject to seizure by any officer of Customs or Inland Revenue, and be dealt with as the Governor in Council may direct, unless proved to be held for exportation.

Penalty for offences against this Act. **10.** Any person who neglects or refuses to procure the inspection of any petroleum liable to inspection, in his possession or under his control, or—

2. Who has in his possession any such petroleum which has not been inspected, or which is contained in packages which have not been branded or marked as herein required, or—

3. Who has in his possession or under his control any petroleum in respect of which any requirements of this Act have not been complied with,—

Shall

Shall be held guilty of an offence against this Act, and, upon conviction, shall incur a penalty not exceeding five dollars for every package in respect of which such offence has been committed. **The amount.**

11. The following fees shall be levied or collected for the inspection of petroleum, which fees shall be paid to the Inspector or the Collector of Customs, or the Collector of Inland Revenue, as the case may be, at the time the inspection is made, and shall form part of the Consolidated Revenue Fund of Canada:— **Fees for inspection.**

For every package of Canadian petroleum containing more than ten, but not more than fifty gallons.. 10 cents.

For every package of Canadian petroleum containing not more than ten gallons......................... 5 cents.

For every package of imported petroleum containing more than ten, but not more than fifty gallons.. .... 30 cents.

For every package of imported petroleum containing not more than ten gallons .... 10 cents.

For every package of Canadian or imported petroleum containing more than fifty gallons, five cents for each additional ten gallons or fraction of ten gallons.

12. All fees payable under this Act shall be payable before any certificate or bill of inspection is delivered, and if not so paid shall be recoverable, with costs, before any Justice of the Peace. **How paid or recovered.**

13. Whosoever, with a fraudulent intention, alters, effaces or obliterates, wholly or partially, or causes to be altered, effaced or obliterated, any Inspector's brands or marks on any petroleum having undergone inspection, or on any package containing any petroleum, or counterfeits any such brand or mark, or brands, impresses or otherwise marks thereon any mark purporting to be the mark of any Inspector (either with the proper marking instruments of such Inspector or with counterfeit imitations thereof) or empties or partially empties any such package marked, after inspection, in order to put into the same any other article not contained therein at the time of such inspection, or uses for the purpose of packing any petroleum any old package bearing inspection marks,—or (not being an Inspector of petroleum) brands or marks any package containing it, with the Inspector's marks, or gives any certificate purporting to be **Penalty for effacing, altering, or counterfeiting inspection marks:— Or any like offence, &c.:—**

Or being privy thereto:— be a certificate of inspection of any petroleum,—and any person who, being in the employ of any Inspector, hires or lends the marks or marking instruments of his employer to any person whatever, or connives at or is privy to any fraudulent evasion of this Act with respect to any such marks as aforesaid,—and any Inspector who inspects or brands, or marks any petroleum out of the local limits for which he is appointed, or hires out or lends his marking instruments to any person whomsoever, or gives any certificate of inspection without having personally performed the inspection, or any wilfully false or untrue certificate, or connives at or is privy to any fraudulent evasion of this Act—shall, for each such offence, incur a penalty of one hundred dollars.

Or acting out of proper limits:—

The penalty.

Penalty for falsely assuming to be an Inspector.

14. Any person not thereunto duly authorized under this Act, who in any manner whatever assumes the title or office of Inspector, or issues any bill, certificate or declaration purporting to establish the quality or quantity of any petroleum, shall, for every such offence, incur a penalty not exceeding one hundred dollars.

Recovery of penalties or forfeitures, and their application.

15. Every penalty and forfeiture imposed by this Act, or by any regulation made under it, shall be recoverable by any complainant or informant suing for the same, in a summary way, before any two Justices of the Peace for the place, and shall, in default of payment, be levied by warrant of distress, to be issued by such Justices against the goods and chattels of the offender; and one moiety of every such penalty or forfeiture, when recovered, shall belong to the complainant or informant, and the other moiety to Her Majesty for the public uses of Canada; and if the penalty or forfeiture, together with any costs awarded, be not paid within thirty days, or be not recovered by seizure as hereinbefore provided, such offender shall be imprisoned in the common gaol of the county or district for a period of not less than two nor more than six months, at the discretion of the court.

Imprisonment for non-payment.

Limitation of suits under this Act.

16. Any action or suit against any person for anything done in pursuance of this Act, or contrary to its provisions, shall be commenced within six months next after the matter or thing done or omitted to be done, and not afterwards; and the defendant therein may plead the general issue, and give this Act and the special matter in evidence, at any trial therein, and that the same was done under this Act; and if it appears so to have been done, then the judgment shall be for the defendant; and if the plaintiff is nonsuited or discontinues his action after the defendant has appeared, or if judgment is given against the plaintiff, the defendant shall recover his costs and have the like remedy for the same as defendants have in other cases.

17

17. The Act passed in the fortieth year of Her Majesty's reign, and intituled "*An Act to provide for the Inspection of Petroleum*," is hereby repealed, except only as to any offence committed, or penalty incurred, or obligation contracted under such repealed Act, which may be prosecuted, imposed or enforced as if this Act had not been passed. **Act 40 V., c. 14, repealed.** **Saving clause.**

CHAP. 19.

An Act to amend the Act of the present Session, intituled "An Act to provide for the inspection, safe-keeping and storage of Petroleum, and the products thereof."

[*Assented to 15th May*, 1879.]

WHEREAS, in the Act of the present Session cited in the title of this Act, the word "less" was erroneously inserted instead of the word "more," in limiting the lawful specific gravity of petroleum: Therefore, in correction of the said error, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— **Preamble. Chap. 18.**

1. The word "more" is hereby substituted for the word "less" in that provision of the fourth section of the said Act which limits the lawful specific gravity of petroleum; and the said provision shall be read and construed as follows:— **Sect. 4 amended.**

"All petroleum, whether manufactured in Canada or imported, shall be of a specific gravity equal to not more than eight hundred and seven thousandths (·807) of the weight of an equal measure of distilled water when both are at a temperature of sixty-two degrees by Fahrenheit's thermometer; which specific gravity is indicated by forty-five degrees on Beaumé's Hydrometer;" **Specific gravity of petroleum limited.**

And shall have effect accordingly.

CHAP. 20

An Act to amend "The Post Office Act, 1875."

[*Assented to* 15*th May*, 1879.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Intent of 38 V., c. 7 declared as to Chief Inspectors.

1. It was and is the intent of the Act of the Parliament of Canada, passed in the thirty-eighth year of Her Majesty's reign, chaptered seven and known as "*The Post Office Act*, 1875," that the Governor should have and he is hereby declared to have and to have had power to appoint one or more person or persons to be Chief Inspector or Chief Inspectors of the Post Office Department of Canada, with authority over all or over as many Post Office Inspectors and Assistant Post Office Inspectors and their respective districts as the Governor in Council may designate, and with such other duties connected with the Post Offices of Canada as may be, from time to time, assigned to him by the Postmaster General, and with power in any part of Canada to inquire into and investigate complaints or suspected cases of misconduct or mismanagement on the part of any person employed in the Canada Post Office or performing duties in or in connection with any Post Office in Canada, and also into any complaints of the miscarriage or loss of letters or other mailable matter, or the contents thereof, and with power to suspend from his duties, during the pleasure of the Postmaster General, any person employed in any Post Office, pending the investigation of any complaint or suspected cases of misconduct or mismanagement, and generally with similar powers to those possessed by Post Office Inspectors or Assistant Post Office Inspectors appointed under the said Act.

Their powers.

Investigation of complaints of misconduct loss of letters, &c.

Power of Chief Inspector to apply for order to compel persons to appear before him.

2. For the purpose of any inquiry or investigation mentioned in the next preceding section, any Chief Inspector may apply, in term or in vacation, to any Judge of the Supreme Court or Exchequer Court of Canada, or of the Superior Court for the Province of Quebec, or of any one of the superior courts of common law in any of the Provinces of Ontario, Nova Scotia, New Brunswick, Manitoba, British Columbia or Prince Edward Island, or to any judge or Stipendiary Magistrate in and for the Territories, for an order that a subpœna be issued from the court or magistrate, commanding any person therein named to appear before such Chief Inspector at the time and place mentioned in such subpœna, and then and there to testify to all matters within his knowledge relative to any such inquiry or investigation, and (if so desired) to bring with him and produce any document,

paper

paper or thing which he may have in his possession relative to any such inquiry or investigation as aforesaid; and such subpœna shall issue accordingly upon the order of such judge or Stipendiary Magistrate, and any such witness may be summoned from any part of Canada whether within or without the ordinary jurisdiction of the court, judge or magistrate issuing the subpœna; any reasonable travelling expenses shall be paid or tendered to any witness so subpœnaed at the time of such service; and if any person so duly summoned neglects or refuses to appear at the time and place specified in the subpœna served upon him, or refuses to give evidence or to produce the papers demanded of him, the court, or the judge or magistrate who ordered the issue of the subpœna, or any other judge of the same court, may cause the said person to be taken into custody, and to be imprisoned in the common gaol of the locality as for contempt of court for a period not exceeding fourteen days: Any Post Office Inspector appointed under the said Act shall have the like power for the purpose of any inquiry or investigation which it may be his duty to make;

Issue and effect of order.

Penalty for refusing to appear, or to give evidence, &c.

Inspector to have like power.

Any Chief Inspector and any Post Office Inspector shall have full power and authority to examine any person on oath or affirmation on any matter pertinent to any such inquiry or investigation; such oath or affirmation may be administered by him to any person whom he may desire to examine.

Power to examine on oath.

3. Any Chief Inspector, Post Office Inspector, or Assistant Post Office Inspector, may require any Postmaster, or assistant in any Post Office, Mail Contractor or other person in the employment or service of or undertaking to perform any duty or work for the Post Office Department, to make and sign before him an oath or declaration in the following form, or to a like effect:—

Chief Inspector, &c., may require of and administer oath or declaration of office to contractors or employees.

" I (*insert the name of the person and the capacity in which he is employed in or by the Post Office Department*), do solemnly and sincerely promise and swear (*or* declare, *if the person is one entitled to declare instead of taking an oath in civil cases*) that I will faithfully perform all the duties required of me by my employment in the service of the Post Office, and will abstain from everything forbidden by the laws for the establishment and government of the Post Office Department in Canada. So help me God."

Form of oath or declaration.

This oath (*or* declaration) was sworn (*or* made) and subscribed before me the day of 187	Signature of person.

(Signature, Post Office Inspector, *or as the case may be.*)

4.

Provision as to suits prior to this Act.

4. Nothing herein contained shall apply to or affect any action, suit or proceeding which has been heretofore instituted in any court in which the validity of any such appointment of Chief Inspector is called in question; but nothing herein contained shall be taken as implying that the Governor or the Governor in Council had not power to make any such appointment of Chief Inspector as may have heretofore been made.

CHAP. 21.

An Act Respecting Census and Statistics.

[*Assented to* 15*th May*, 1879.]

Preamble.

WHEREAS it is expedient to establish and permanently to organize the taking of the census and the collection and publication of statistics: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Census, when to be taken.

1. A Census shall be taken in the year 1881, and then in every tenth year thereafter, at the beginning of the year 1881 and at the beginning of every tenth year thereafter.

Proclamation by Governor in Council, what it shall regulate.

2. The details of information, the forms to be used, and procedure to be followed for the obtaining thereof, and the period at which, and the dates with reference to which, the census shall be taken,—whether generally, or for any specified localities, requiring to be exceptionally dealt with in any of these respects,—shall be such as the Governor in Council, by Proclamation, shall direct.

Census, how to be taken. Details required.

3. Each census shall be so taken as to ascertain with the utmost possible accuracy, in regard to the various territorial divisions of the country,—their population and the classification thereof, as regards age, sex, social condition, religion, education, race, occupation and otherwise,—the houses and other buildings therein, and their classification as dwellings, inhabited, uninhabited, under construction and otherwise,—the occupied land therein, and the condition thereof, as town, village, country, cultivated, uncultivated and otherwise,—the produce, state and resources of the agricultural, fishing, lumbering, mining, mechanical, manufacturing, trading and other industries thereof,—the municipal, educational, charitable and other institutions thereof,—and whatever other matters may be specified in the forms and instructions to be issued, as hereinafter is provided.

Other matters.

4.

4. The Minister of Agriculture shall cause all forms, and also all instructions which he shall deem requisite in respect of each census to be duly prepared, printed and issued, for use by the persons to be employed in the taking thereof. **Forms and instructions.**

5. The Governor in Council, by Proclamation, shall divide the country into census districts, and each census district into sub-districts, to correspond respectively, as nearly as may be, with the electoral divisions and sub-divisions for the time being, and in territories not so defined or so situated as to admit of adhering to circumscriptions already established, into special divisions and sub-divisions for the purpose of the census. **Division of country into census districts, by Proclamation.**

6. The Governor in Council shall appoint census officers, census commissioners, and other employees who may be necessary for the taking of each census, with such relative powers and duties and such emoluments as shall be laid down for each census by Order in Council. **Appointment of census officers and commissioners,**

7. There shall be appointed, by or under authority of the Minister of Agriculture, in such manner and subject to such rules in that behalf as shall be laid down by Order in Council, one or more enumerators for every census sub-district; and in every case where more than one enumerator is appointed, the powers and duties of such enumerators shall be such as the instructions of the Minister of Agriculture shall assign to each, whether territorially or otherwise. **Appointment of enumerators.**

8. The census officers and commissioners shall be entrusted, under direction and instruction of the Minister of Agriculture, with superintending the work done by the enumerators, and shall see that all those under their superintendence thoroughly understand the manner in which the duties required of them are to be performed, and use due diligence in the performance thereof. **Duty of census officers and commissioners.**

9 Every enumerator, by domiciliary visits to every house and careful personal enquiry, shall ascertain, in detail, with the utmost accuracy possible, all the statistical information with which he is required to deal, and no other, and shall make an exact record thereof, and attest the same under oath, and shall see that such attested record is duly delivered to the Census Commissioner under whose superintendence he is placed,—the whole, in all respects, as by the forms and instructions issued to him shall be required. **Duties of enumerators.**

10. The Census Commissioner shall examine all such records, and satisfy himself how far each enumerator has performed the duties required of him, and shall note all apparent defects and inaccuracies in such records, and require the several enumerators concerned therewith, to assist him in **Duties of census commissioner.**

in respect thereof,—and with their assistance shall correct the same so far as may be found requisite and possible, noting always whether such corrections are concurred in by them or not, and shall make return, attested under oath, of his doings in the premises, and shall transmit the same, together with all the records in question, to the Minister of Agriculture,—the whole, in all respects, as by the forms and instructions issued to him shall be required.

Duties of Minister of Agriculture.

11. The Minister of Agriculture shall cause all such returns and records to be examined, and any defects or inaccuracies discoverable therein to be corrected so far as possible, and shall obtain, so far as possible, by such ways and means as may be deemed convenient, any statistical information requisite for the due completion of the census, which cannot be or is not obtained with the required fullness and accuracy by means of such returns and records, and shall cause to be prepared, that the same may be laid before Parliament, with all practicable despatch, abstracts and tabular statements shewing the results of the census as fully and accurately as possible.

Every person employed in the execution of this Act to take an oath of office.

12. Every officer, census commissioner, enumerator, and other person employed in the execution of this Act,—whether for the obtaining in the first instance of any information sought by the census, or for revising or compiling the same, or otherwise dealing therewith, or for enquiring into any matter connected with the taking of the census,—before entering on his duties, shall take and subscribe an oath binding him to the faithful and exact discharge of such duties, in such form, before such person, and returned and recorded in such manner, as by Order in Council shall be prescribed.

Wilful neglect of duty a misdemeanor.

13. Any officer, census commissioner, enumerator, or other person employed in the execution of this Act, making wilful default in any matter required of him by this Act, or making any wilfully false declaration touching any such matter, shall be guilty of a misdemeanour.

Custodians of public records to grant access thereto.

14. Every person having custody or charge of any Provincial, municipal or other public records or documents, or of any records or documents of any corporation, from which information sought by the census, or which would aid in the completion or correction thereof, can be obtained, shall grant to any census officer, commissioner, enumerator or other person deputed to that end by the Minister of Agriculture, reasonable access thereto for the obtaining of such information therefrom; and every such person wilfully or without lawful excuse refusing or neglecting so to do, and every person wilfully hindering or seeking to prevent or obstruct such access, or otherwise in any way wilfully obstructing or

seeking

seeking to obstruct any person employed in the execution of this Act, shall be guilty of a misdemeanour.

15. Every person who wilfully, or without lawful excuse, refuses or neglects to fill up, to the best of his knowledge and belief, any schedule which he shall have been required to fill up by any enumerator or other person employed in the execution of this Act, or refuses or neglects to sign and deliver back or otherwise return the same when and as so required, or makes, signs, delivers or returns, or causes to be made, signed, delivered or returned, any wilfully false answer or statement as to any matter specified in such schedule,—shall thereby incur a penalty of not less than one nor more than forty dollars.

Penalty for refusal or neglect to fill up schedule, &c.

16. Every person who, without lawful excuse, refuses or neglects to answer, or who wilfully answers falsely, any question requisite for obtaining any information sought by the census or pertinent thereto, which shall have been asked of him by any enumerator or other person employed in the execution of this Act, shall, for every such refusal or neglect or wilfully false answer, incur a penalty of not less than five nor more than twenty dollars.

Penalty for refusal or neglect to answer any question, &c.

17. The penalties hereinbefore imposed may be recovered in a summary manner at the suit of any officer, census commissioner, enumerator, or other person employed in the execution of this Act, before any one Justice of the Peace having jurisdiction in the place where the offence has been committed, on the oath of the prosecutor or of one credible witness; and one moiety thereof shall belong to the Crown for the public uses of the Dominion, and the other moiety to the prosecutor, unless he has been examined as a witness to prove the offence, in which case the whole shall belong to the Crown for the uses aforesaid.

Recovery of penalties.

18. Whenever the Minister of Agriculture deems it convenient, he may, by special letter of instruction, direct any officer, census Commissioner, or other person employed in execution of this Act, to make enquiry under oath, as to any matter or matters connected with the taking of the census, or the ascertaining or correction of any supposed defect or inaccuracy therein; and such officer, census commissioner, or other person shall then have the same power as is vested in any court of law in civil cases, of summoning any party or witnesses, of enforcing their attendance, and of requiring and compelling them to give evidence on oath, whether orally or in writing, and to produce such documents and things as he deems requisite to the full investigation of such matter or matters.

Minister of Agriculture may direct enquiry to be made under oath.

Effect of such direction.

19. Any letter purporting to be signed by the Minister of Agriculture, or by his Deputy, or by any other person thereto

What shall be *primâ facie*

evidence of appointment or removal of, or instruction to census officers, &c.

thereto authorized under Order in Council, and notifying any appointment or removal of, or setting forth any instructions to, any person employed in the execution of this Act,—and any letter signed by any officer, census commissioner, or other person thereto duly authorized, notifying any appointment or removal of, or setting forth any instructions to any person so employed under the superintendence of the signer thereof,—shall be, respectively, *primâ facie* evidence of such appointment, removal, or instructions, and that such letter was signed and addressed as it purports to be.

Presumption as to documents produced by a person employed in the execution of this Act.

20. Any document or paper, written or printed, purporting to be a form authorized for use in the taking of the census, or to set forth any instructions relative thereto, which is produced by any person employed in the execution of this Act, as being such form, or as setting forth such instructions, shall be presumed to have been supplied by the proper authority to the person so producing the same, and shall be *primâ facie* evidence of all instructions therein set forth.

What shall be a sufficient requirement, as against occupant of house.

21. The leaving, by an enumerator, at any house or part of a house, of any schedule purporting to be issued under this Act, and having thereon a notice requiring that the same be filled up and signed within a stated delay by the occupant thereof, or in his absence by some other member of the family, shall be a sufficient requirement as against such occupant, though not named in such notice, nor personally served therewith, so to fill up and sign such schedule.

Allowances or remuneration for persons employed under this Act.

22. The Minister of Agriculture shall cause to be prepared one or more tables, setting forth the rates of allowances or remuneration for the several census commissioners and enumerators employed in the execution of this Act, not, however, to exceed, in the aggregate, a total amount of three dollars for each day of proved effective service for any enumerator, or of four dollars for each day of like service for any census commissioner; and the same, when approved by Order in Council, shall be laid before Parliament within the first fifteen days of the Session next ensuing.

Maximum rate.

Allowances, &c., how and when to be paid.

23. Such allowances or remuneration shall be paid to the several persons entitled thereto, in such manner as the Governor in Council shall direct; but shall not be payable until the services required of the person receiving the same have been faithfully and entirely performed.

And out of what moneys to be paid.

24. Such allowances and remuneration, and all expenses to be incurred in carrying this Act into effect, shall be paid out of such moneys as shall be provided by Parliament for that purpose.

25.

25. A full report of all things done under this Act, and an account of all moneys expended under the authority thereof, shall be laid before Parliament within the first fifteen days of the next Session thereof, and of each Session thereafter, until such time as all things requiring to be done under this Act shall have been fully completed. Report to be laid before Parliament.

26. The word "house" in this Act includes all ships, vessels and other dwellings or places of abode of any kind. Meaning of "house."

27. Appointments, employments or service under this Act concerning census shall not be subject to the statutory requirements affecting the Civil Service. Act affecting the Civil Service not to extend to appointments &c., under this Act.

STATISTICS.

28. The Minister of Agriculture shall, from time to time, subject to the approval of the Governor in Council, make such rules and regulations, and prescribe such forms as may appear necessary and expedient for the purpose of collecting, abstracting, tabulating and publishing vital, agricultural, commercial, criminal and other statistics; and such rules, regulations and forms, when assented to by the Governor in Council, and published in the *Canada Gazette*, shall have the force of law so long as they are not repealed or superseded; and any printed copy thereof published by the Queen's Printer shall be evidence thereof. Minister of Agriculture to make rules, &c, for collecting &c., vital and other statistics.

29. It shall be the duty of the Minister of Agriculture when, and so soon as the said rules, regulations and forms have been assented to and published in the *Canada Gazette*, as prescribed in section twenty-eight of this Act, and the arrangements contemplated by section thirty-one of this Act have been consummated, to proceed to collect the said vital, agricultural, commercial, criminal and other statistics, in such ways and manner as may be found most practicable, and thereafter, when and so often as it may seem to the said Minister that the statistics collected are of sufficient value and authenticity to render their publication advantageous, to cause the same to be published in such form and mode as the Governor General in Council may prescribe. Duty of Minister of Agriculture under such rules and section 31.

30. The Governor in Council may, on the Minister of Agriculture certifying to the ascertained competency of the persons to be appointed, from time to time, appoint such officers, clerks and other employees as may be necessary for the purposes of this Act; and such officers, clerks and employees shall hold office during pleasure. The Governor may also appoint, at any time, temporary clerks or employees for an indefinite period,—the term of service of such temporary employees to cease and determine at the notice given to them by the Minister of Agriculture, when such portion of the statistical labours for which they were so engaged, and to which they had been employed, is terminated. Governor in Council may appoint officers, clerks, &c., for the purposes of this Act. Tenure of office of persons, &c., appointed.

31.

When a system of collection of statistics is in force in any Province.

31. Whenever, in any Province or territory, any system is established or any means exist of collecting vital, agricultural, commercial, criminal or other statistics, the Minister of Agriculture may be authorized by the Governor in Council to arrange with the Government of such Province or territory, or with the organization so possessed of such system, for the collection and transmission of such information as may be required by schedules prepared by the Minister of Agriculture, and approved by the Governor in Council, for the procuring of such vital, agricultural, commercial, criminal and other statistics.

Minister of Agriculture may call upon public officers for copies of papers, &c.

32. The Minister of Agriculture may, in collecting statistics, as and in the manner provided by this Act, call upon any and all public officers to furnish to him copies of papers and documents and such information as lie respectively in the power of such officers to furnish, with or without compensation for so doing, as may be regulated from time to time by order or orders of the Governor in Council.

Minister of Agriculture may cause information to be abstracted and tabulated.

33. The Minister of Agriculture may cause to be abstracted and tabulated in a concise form, for easy reference, such information on various subjects susceptible of being represented by figures, as may be contained in the Departmental or other public reports and documents.

Special statistical investigations may be made.

34. The Governor in Council may authorize the Minister of Agriculture to cause special statistical investigations, as regards subjects, localities or otherwise, to be made in the manner and by means which may be prescribed in such authorization of the Governor in Council.

Minister of Agriculture to correct errors, &c.

35. The Minister of Agriculture shall cause all statistical information obtained to be examined, and any omissions, defects or inaccuracies discoverable therein, to be supplemented and corrected as far as practicable.

Penalty for wilfully giving false information, &c.

36. Any false information wilfully given, and any deception practiced in furnishing information provided for by this Act, shall be an offence against this Act; and the person so offending shall, on conviction of such offence, forfeit and pay a sum not exceeding one hundred dollars.

Further duties of Minister of Agriculture.

37. The Minister of Agriculture shall insert in his annual report, reports of the proceedings under this Act, including copies of the rules and regulations made under section twenty-eight thereof. The Minister of Agriculture shall cause the information collected in virtue of this Act, and under rules and regulations hereinbefore provided, to be compiled and tabulated, and the abstracts then made to be published at as early a date after the reception of the information as the nature and magnitude of the work and the

the force of the staff provided for it may allow. The Minister of Agriculture may also cause to be added to such returns, such proportions, ratios and other statistical deductions as may be drawn from the information obtained in virtue of this Act.

Proportions and ratios.

38. The respective salaries of officers, clerks and other employees, who may be appointed in virtue of this Act, the fees or compensations to be paid for obtaining information as provided by sections thirty-one and thirty-two of this Act, and the office and other contingent expenses necessary for the purposes of this Act, shall be fixed by the Governor in Council, to be paid out of any moneys which may be provided by Parliament for that purpose.

Salaries, &c., how to be fixed, and out of what moneys to be paid.

39. The Act thirty-third Victoria, chapter twenty-one, intituled "*An Act respecting the first Census,*" as amended by the Act thirty-fourth Victoria, chapter eighteen, intituled "*An Act to amend the Census Act,*" and the thirty-ninth Victoria, chapter thirteen, intituled "*An Act to make provision for the Collection and Registration of the Criminal Statistics of Canada,*" are hereby repealed; provided always, that the last-mentioned Act, thirty-ninth Victoria, chapter thirteen, shall remain in force and effect until the same is declared to be no longer in force by a Proclamation of the Governor stating that provision has been made for the collection of criminal statistics, in accordance with the requirements of this Act.

Repeal of Acts 33 V., c. 21, 34 V., c. 18, 39 V. c. 13.

Proviso, as to 39 V., c. 13.

40. When citing this Act it shall be sufficient to call it "*The Census and Statistics Act.*"

Short title.

CHAP. 22.

An Act respecting Trade Marks and Industrial Designs.

[*Assented to* 15*th May,* 1879.]

WHEREAS it is expedient to make alterations in the law providing for the registration of Trade Marks and Industrial designs: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

TRADE MARKS.

1. A register of Trade Marks shall be kept in the office of the Minister of Agriculture in which any proprietor of a Trade Mark may have the same registered by complying with the provisions of this Act.

Register of Trade Marks to be kept.

2.

Minister may make rules and adopt forms.

2. The Minister of Agriculture may, from time to time, subject to the approval of the Governor in Council, make rules and regulations and adopt forms for the purposes of this Act, as respects trade marks; and such rules, regulations and forms circulated in print for the use of the public, shall be deemed to be correct for the purposes of this Act; and all documents executed according to the same and accepted by the Minister of Agriculture, shall be held valid so far as relates to official proceedings under this Act.

Seal may be prepared; its use.

3. The Minister of Agriculture may cause a seal to be made for the purposes of this Act, and may cause to be sealed therewith trade marks and other instruments and copies proceeding from his office in regard of trade marks.

No suit for infringement unless Trade Mark is registered.

Proviso as to suits under 35 V., c. 32.

4. From and after the first day of July, one thousand eight hundred and seventy-nine, no person shall be entitled to institute any proceeding to prevent the infringement of any trade mark until and unless such trade mark is registered in pursuance of this Act: Provided always, that actions may be instituted as heretofore against persons fraudulently marking merchandise, in accordance with the Act thirty-five Victoria, chapter thirty-two, intituled "*An Act to amend the law relating to the fraudulent marking of merchandise,*" even in the absence of registration.

Cases in which registration of Trade Mark may be objected to by Minister.

5. The Minister of Agriculture may object to register any trade mark in the following cases:—*First.* If the said trade mark proposed for registration is identical with or resembles a trade mark already registered: *Second.* If it appears that the said trade mark is calculated to deceive or mislead the public: *Third.* If the said trade mark contains any immorality or scandalous figure: *Fourth.* If the so called trade mark does not contain the essentials necessary to constitute a trade mark, properly speaking.

How registration may be effected.

Fee.

6. The proprietor of a trade mark may have it registered by forwarding to the Minister of Agriculture a drawing and description in duplicate of such trade mark, together with a declaration that the same was not in use to his knowledge by any other person than himself at the time of his adoption thereof,—the whole being accompanied with the fee hereinafter provided.

Mode of registration and certificate thereof.

7. On compliance with the requirements of this Act and of the rules hereinbefore provided for, the Minister shall register the trade mark of the proprietor so applying, and shall return to the said proprietor one copy of the drawing and description with a certificate signed by the Minister or his Deputy to the effect that the said trade mark has been duly registered in accordance with the provisions of this Act; and there shall be further stated in such certificate the date,

date, month and year of the entry thereof, in the register: and every such certificate purporting to be so signed shall be received in all courts of law or of equity in Canada, as *primâ facie* evidence of the facts therein alleged without proof of the signature.

Effect of certificate.

What shall be deemed Trade-Marks.

8. For the purposes of this Act, all marks, names, brands, labels, packages or other business devices, which may be adopted for use by any person in his trade, business, occupation or calling, for the purpose of distinguishing any manufacture, product or article of any description by him manufactured, produced, compounded, packed or offered for sale,—no matter how applied, whether to such manufacture, product or article, or to any package, parcel, case, box or other vessel or receptacle of any description whatever containing the same, shall be considered and known as trade marks, and may be registered for the exclusive use of the party registering the same in the manner herein provided; and thereafter he shall have the exclusive right to use the same to designate articles manufactured or sold by him: and for the purposes of this Act, timber or lumber of any kind upon which labour has been expended by any person in his trade, business, occupation or calling, shall be deemed a manufacture, product or article.

Exclusive right to use of.

As to timber or lumber.

Trade Mark may be general or specific.

9. A trade mark may be general or specific, according to the use made or intended to be made by the proprietor thereof, for the sale of various articles in which he deals in his trade, business, occupation or calling generally, or specific if applied or intended to apply to the sale of a class of merchandise of a particular description.

Duration of General Trade Marks.

10. A general trade mark once registered and destined to be the sign in trade of the proprietor thereof shall endure without limitation. A specific trade mark for the sale of a special class of goods or merchandise when registered shall endure for the period of twenty-five years, subject before the expiration of the said period to the renewal thereof by the proprietor thereof, or his legal representative, (such renewal being subject to re-registration at or before the expiration of such periods of twenty-five years) for any number of times.

And of specific.

Renewal.

Nature of Trade Mark to be specified.

11. The proprietor of a trade mark applying for its registration must state in his application whether the said trade mark is intended to be used as a general trade mark or as a specific trade mark.

Fees payable.

12. Before any action is taken in relation to an application for registering a trade mark the following fees shall be payable into the hands of the Minister of Agriculture, to wit:—

On

On every application to register a general trade mark including certificate	$30 00
On every application to register a specific trade mark, including certificate	25 00
On every application for the renewal of the registration of a specific trade mark, including certificate	20 00
For copy of each certificate of registration, separate from the return of the duplicate hereinbefore mentioned	1 00
For the recording of an assignment, as hereinafter provided	2 00
For office copies of documents, not above mentioned, per every hundred words or less	0 50
For each copy of any drawing or emblematic trade mark, the reasonable expenses of preparing the same,—	

To be paid over to Receiver General. Exception.

All of which fees shall be paid over by the Minister of Agriculture to the Receiver-General of Canada; provided always, that in case of refusal to register the trade mark for which application is made, the fee shall be returned to the applicant or his agent, with the exception of the sum of five dollars, to be retained in compensation of office expenses.

Cancellation of Trade Marks.

13. Any person having registered a trade mark may petition for the cancellation of the same, and the Minister of Agriculture may, on receiving such petition, cause the said trade mark to be so cancelled; and the same shall, after such cancellation, be considered as if it had never been registered under the name of the said party.

Assignment of Trade Marks.

14. Every trade mark registered in the office of the Minister of Agriculture shall be assignable in law, and on the assignment being produced and the fee hereinbefore provided being paid, the Minister of Agriculture shall cause the name of the assignee, with the date of the assignment and such other details as he may see fit, to be entered on the margin of the register of trade marks on the folio where such trade mark is registered.

Doubtful cases of ownership of Trade Marks, how decided.

15. If any person makes application to register, as his own, any trade mark which has been already registered, the Minister of Agriculture, if not satisfied that such person is undoubtedly entitled to the exclusive use of such trade mark, shall cause all parties interested therein

therein to be notified to appear, in person or by attorney, before him, with their witnesses, for the purpose of establishing which is the rightful owner of such trade mark, and after having heard the parties and their witnesses, the said Minister shall order such entry or cancellation or both, to be made as he shall deem just; in the absence of the said Minister, his Deputy may hear and determine the case and make such entry or cancellation or both, as to right and justice may appertain; and any error in registering trade marks or any oversight about conflicting registrations of trade marks may be settled in the same manner. **And errors in registration.**

16. If any person, other than the party who has registered the same, marks any goods or any article of any description whatever with any trade mark registered under the provisions of this Act, or with any part of such trade mark, whether by applying such trade mark or any part thereof to the article itself or to any package or thing containing such article, or by using any package or thing so marked which has been used by the proprietor of such trade mark, or knowingly sells or offers for sale any article marked with such trade mark, or with any part thereof, with intent to deceive and to induce persons to believe that such article was manufactured, produced, compounded, packed or sold by the proprietor of such trade mark, he shall be guilty of a misdemeanour, and, on conviction thereof, shall forfeit, for each offence, a sum not less than twenty dollars and not exceeding one hundred dollars, which amount shall be paid to the proprietor of such trade mark, together with the costs incurred in enforcing and recovering the same: Provided always, that every complaint under this section shall be made by the proprietor of such trade mark, or by some one acting on his behalf and duly authorized thereto. **Penalty for illegal use of Trade Mark.** **Misdemeanour and forfeiture.** **Proviso.**

17. A suit may be maintained by any proprietor of a trade mark against any person using his registered trade mark, or any fraudulent imitation thereof, or selling articles bearing such trade mark or any such imitation thereof, or contained in packages being or purporting to be his, contrary to the provisions of this Act. **Suit may be maintained by proprietor.**

18. Any person may be allowed to inspect the register of trade marks, and the Minister of Agriculture may cause copies or representations of trade marks to be delivered, on the applicant for the same paying the fee or fees hereinbefore provided. **Register may be inspected.**

19. Clerical errors happening in the drawing up or copying of any instrument under this Act shall not be construed as invalidating the same, and when discovered they may be corrected under the authority of the Minister of Agriculture. **Clerical errors not to invalidate.**

INDUSTRIAL DESIGNS.

Register of industrial designs to be kept.

20. The Minister of Agriculture shall cause to be kept in his office a book to be denominated "The Register of Industrial Designs," in which any proprietor of a design may have the same registered by depositing with the said Minister a drawing and description in duplicate of such design, together with a declaration that the same was not in use to his knowledge by any other person than himself at the time of his adoption thereof; and the said Minister of Agriculture, on receipt of the fee hereinafter provided, shall cause the said design to be examined to ascertain whether it resembles any other design already registered; and if he finds that such design is not identical with, or does not so closely resemble any other design already registered as to be confounded therewith, he shall register the same, and shall return to the proprietor thereof one copy of the drawing and description, with a certificate signed by the Minister or his Deputy to the effect that the said design has been duly registered in accordance with the provisions of this Act; and there shall be further stated in such certificate the day, month and year of the entry thereof in the proper register; and every such certificate purporting to be so signed shall be received *primâ facie* in all courts of law or of equity in Canada, as evidence of the facts therein alleged, without proof of the signature.

Registration, how effected.

Certificate and its effect.

Minister may make rules and adopt forms.

21. The Minister of Agriculture may, from time to time, subject to the approval of the Governor in Council, make rules and regulations and adopt forms for the purposes of this Act, as respects industrial designs, and such rules, regulations and forms circulated in print for the use of the public, shall be deemed to be correct for the purposes of this Act; and all documents executed according to the same, and accepted by the Minister of Agriculture, shall be held valid so far as relates to official proceedings under this Act.

Duration of right.

Renewal.

22. The exclusive right acquired for an industrial design by the registration of the same as aforesaid shall be valid for the term of five years, subject to a renewal at or before the expiration of the said period of five years, on payment of the fee hereinafter prescribed, for a further period of five years or less, so as that the whole duration shall not exceed ten years in all.

Conditions of registration.

23. Every design to be protected must be registered before publication; and, after registration, the name of the proprietor, who must be a resident of Canada, shall appear upon the article to which his design applies; if the manufacture be a woven fabric, by printing upon one end; if another substance, at the edge or upon any convenient part, the letters Rd., with the mention of the year of the registration;

How the design is to be used.

tration; the mark may be put upon the manufacture by making it on the material itself, or by attaching thereto a label containing the proper marks.

24. The author of the design shall be considered the proprietor thereof, unless he has executed the design for another person, for a good or valuable consideration,—in which case such other person shall be considered the proprietor, and shall alone be entitled to register it; but his right to the property shall only be co-extensive with the right which he may have acquired. **Who shall be deemed the proprietor.**

25. Every design shall be assignable in law, either as to the whole interest or any undivided part thereof, by an instrument in writing, which shall be recorded in the office of the Minister of Agriculture, on payment of the fees hereinafter provided; and every proprietor of a design may grant and convey an exclusive right, under any copyright, to make, use and vend, and to grant to others the right to make, use and vend such design within and throughout Canada, or any part thereof, for the unexpired term of its duration, or any part thereof; which exclusive grant and conveyance shall be called a license, and shall be recorded in the same manner and within the same delay as assignments. **Designs to be assignable in whole or in part, and how.** **Licenses to use.**

26. During the existence of the exclusive right, (whether it be of the entire or partial use of such design), no person shall, without the license in writing of the registered proprietor, or of his assignee, as the case may be, apply such design, or a fraudulent imitation thereof, to the ornamenting of any article of manufacture, or other article to which an industrial design may be applied or attached, for the purposes of sale, or publish, sell or expose for sale or use any such article as aforesaid, to which such design or fraudulent imitation thereof has been applied, on pain of forfeiture of not less than twenty dollars and not exceeding one hundred and twenty dollars, to the proprietor of the design, and costs—to be recovered by the registered proprietor, or his assignee, by suit, in any court having jurisdiction in civil suits to a like amount. **Exclusive right to use design.** **Penalty for infringement and how recoverable.**

27. Every person placing the word "registered," or the letters "Rd.," upon any article for which no design has been registered, or upon any article for the design of which the copyright has expired, or advertising the same for sale as a registered article, or unlawfully selling, publishing or exposing for sale such article, knowing the same to have been fraudulently marked, or that the copyright therefor has expired, shall forfeit for every offence a sum not less than four dollars and not exceeding thirty dollars to be recovered in the same manner as forfeitures under the **Penalty for falsely representing articles as bearing registered design.**

 next

Recovery of. next preceding section,—and that by any person whatever, who shall receive one-half the amount of the said last mentioned penalty, on the recovery of the amount which the offender may have been condemned to pay.

Suit may be maintained by proprietor. **28.** A suit may be maintained by the proprietor of any design for the damages he has sustained by the application or imitation of the design, for the purpose of sale, against any person so offending,—he (the offender) knowing that the proprietor of the design had not given his consent to such application.

Proceedings in case of wrongful registration. **29.** If any person, not being the lawful proprietor of a design, be registered as proprietor thereof, the rightful owner may institute an action in the Superior Court in the Province of Quebec, in the Court of Queen's Bench or of Common Pleas in the Province of Ontario, or in the Supreme Court in the Provinces of Nova Scotia, New Brunswick, British Columbia or Prince Edward Island, or in the Court of Queen's Bench in Manitoba, or before a Stipendiary Magistrate in the North West Territories, as the case may be, and the court or magistrate having cognizance of such suit may, if it appear that the design has been registered in the name of a wrong person, either direct the registration to be cancelled, or that the name of the lawful proprietor shall be substituted for the name in the register, with costs in its discretion; and on application by the plaintiff supported by affidavit, it shall be lawful for any such court or magistrate, pending such action or proceedings, at its discretion, to issue an order upon the defendant prohibiting the use of such design, pending such suit or proceedings, under pain of being held in contempt of such court or magistrate.

Prohibition in certain cases.

Consequent alteration of register. **30.** The Minister of Agriculture, after due service of such order and payment of the fee hereinafter provided, shall cause such alteration to be made in the register respecting industrial designs, as shall be directed by order made under the next preceding section.

Time for suits limited. **31.** All proceedings, under the preceding sections of this Act, shall be brought within twelve months from the commission of the offence, and not after; nor shall any of the provisions of this Act apply to protect any design which does not belong to a person resident within Canada, and is not applied to a subject matter manufactured in Canada.

Certificate on copy of design returned and effect thereof. **32.** On the copy returned to the person registering, a certificate shall be given, signed by the Minister or by his Deputy, shewing that the design has been registered, the date of registration, the name of the registered proprietor, his address, the number of such design, and the number or letter employed

employed to denote or correspond with the registration,—which said certificate, in the absence of proof to the contrary, shall be sufficient proof of the design, of the name of the proprietor, of the registration, of the commencement and period of registry, of the person named as proprietor being proprietor, of the originality of the design, and of compliance with the provisions of this Act; and generally the writing purporting to be so signed shall be received *primâ facie* as evidence of the facts therein stated, without proof of the signature. **Effect thereof as evidence.**

33. Any person may be allowed to inspect the register of industrial designs; and the Minister may cause copies or representations of industrial designs to be delivered, on the applicant for the same paying the fee, which shall be deemed sufficient for the purpose of having the same copied or represented. **Register may be examined. Copies of designs.**

34. The Minister of Agriculture shall have power to refuse to register such designs as do not appear to him to be within the provisions of this Act, or when the design is contrary to public morality or order,—subject, however, to appeal to the Governor in Council. **Registration may be refused in certain cases.**

35. Clerical errors happening in the drawing up or copying of any instrument respecting an industrial design, shall not be construed as invalidating the same, but when discovered they may be corrected under the authority of the Minister of Agriculture. **Clerical errors may be corrected.**

36. Before any action is taken in relation to an application for registering an industrial design, the following fees shall be payable into the hands of the Minister of Agriculture, to wit:— **Fees payable.**

On every application to register a design, including certificate..	$5 00
On every application for an extension of time, including certificate, for each year of such extension..	$2 00
For copy of each certificate of registration, separate from the return of the duplicate hereinbefore mentioned..	$1 00
For the recording of an assignment as hereinbefore provided..	2 00
For office copies of documents, not above mentioned per every hundred words or less....................	0 50
For each copy of any drawn copy of an industrial design, the reasonable expense of preparing the same,—	

All

To be paid over to Receiver-General. Proviso.

All of which fees shall be paid over by the Minister of Agriculture to the Receiver General of Canada: Provided always, that in case of refusal to register the industrial design for which application is made, the fee shall be returned to the applicant or his agent, with the exception of the sum of two dollars, to be retained in compensation of office expenses.

GENERAL PROVISIONS.

Application of foregoing sections.

37. The foregoing sections one to nineteen both inclusive, apply only to Trade Marks, and the sections twenty to thirty-six both inclusive, apply only to Industrial Designs; the following sections are of general application to all the subjects of this Act.

Certain Acts repealed: 31 V., c. 55, 39 V., c. 35. But not 33 V., c. 36, nor 35 V., c. 32.

38. The Act thirty-first Victoria, chapter fifty-five and the Act thirty-ninth Victoria, chapter thirty-five, respectively intituled "*An Act respecting Trade Marks and Industrial Designs*," and "*An Act to amend 'The Trade Mark and Design Act of* 1868,'" and all Acts or parts of Acts concerning Trade Marks or Industrial Designs are hereby repealed, with the exception of the Act thirty-third Victoria, chapter thirty-six, intituled "*An Act respecting the Marking of Timber*," and the Act thirty-fifth Victoria, chapter thirty-two intituled "*An Act to amend the law relating to the fraudulent marking of merchandise*:" Provided always that all registrations made under such Acts and all rights acquired thereby shall remain good and valid, and assignable in law, and all liabilities, penalties and forfeitures incurred or to be incurred under the same, may be sued for and enforced, and all prosecutions or suits commenced before the passing of this Act for enforcing any such liabilities, penalties or forfeitures already incurred may be continued and completed, and entries and registrations under the said Acts respectively may be cancelled, as if the said Acts and parts of Acts had not been repealed.

Proviso as to rights acquired, &c., under repealed Acts.

Officer substituted:—24 V. (Province of Canada) c. 21.

39. For all the purposes of the Act of the late Province of Canada, twenty-fourth Victoria, chapter twenty-one, so far as the same remains in force after the passing of this Act, the Deputy of the Minister of Agriculture shall remain substituted for the Secretary of the Board of Registration and Statistics mentioned in the said Act. and shall have all the powers and duties of that officer.

Short title.

40. In citing this Act, it shall be sufficient to call it "*The Trade Mark and Design Act of* 1879."

CHAP.

CHAP. 23.

An Act to provide against Infectious or Contagious Diseases affecting Animals.

[Assented to 15th May, 1879.]

WHEREAS it is expedient better to provide against the introduction and spread of infectious or contagious diseases among animals: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. In this Act "Cattle" means bulls, cows, oxen, heifers and calves; Interpretation of the word Cattle.

"Animals" means, except where it is otherwise expressed, cattle, sheep, horses, swine, goats and all other animals of whatsoever kind; Animals.

"Foreign Animals" means animals not already introduced within Canadian territory; Foreign animals.

"Infectious" means communicable in any manner whatever even at a distance; Infectious.

"Contagious" means communicable by close contact or inoculation. Contagious

2. It shall be the duty of every cattle or farm stock owner and of every breeder of or dealer in cattle or other animals or of any one bringing foreign animals into Canada, on perceiving the appearance of infectious or contagious diseases among the cattle or other animals owned by him or under his special care, to give immediate notice to the Minister of Agriculture, at Ottawa, of the fact or facts discovered by him as aforesaid: Notice re diseased animals given to Ministry of Agriculture ... by ... Council.

Negligence to comply with the present enactment sh[y]n- entail upon the owner of the said diseased animals penalty of not being entitled to nor granted any comp[ensa]tions for cattle or animals slaughtered in accordance [with] the provisions of this Act: malicious or fraudulent c[on]ceal-ment of the existence of disease among cattle o[r other] animals shall subject the person so acting, on co[nviction] thereof, to forfeit and pay a sum not exceeding two [hundred] dollars. Penalty for attempting importation.

...r in ...neces- ...nimals ...estab- ...prohib- ...parts of ...or Governor in Council may make regulations, for certain purposes, in order to prevent infection or contagion.

Penalty for keeping diseased animals.

3. If any person turn out, keep or graze any animal knowing such animal to be infected with or laboring under any infectious or contagious disorder, or to have been exposed to infection or contagion, in or upon any forest, wood, moor, beach, marsh, common, waste-land, open field, roadside or other undivided or unenclosed land, such person shall, on conviction thereof, forfeit and pay a sum not exceeding two hundred dollars.

Penalty for bringing such animals to market, &c.

4. Any person bringing or attempting to bring into any market, fair or other place, any animal known by him to be infected with or laboring under any infectious or contagious disorder, shall, upon conviction thereof, forfeit and pay for every such offence a sum not exceeding two hundred dollars.

For throwing carcass into rivers, &c.

5. Any person throwing or placing, or causing or suffering to be thrown or placed, into or in any river, stream, canal, navigable or other water, or into or in the sea, within ten miles of the shore, the carcass of an animal which has died of disease or been slaughtered as diseased or suspected of disease, shall, on conviction thereof, forfeit and pay a sum not exceeding two hundred dollars.

For digging up any such carcass &c. buried.

6. Any person who, without lawful authority or excuse digs up or causes or allows to be dug up a carcass buried of an animal having died or being suspected of having died from infectious or contagious disease, shall, on conviction thereof. forfeit and pay a sum not exceeding one hundred dollars.

Such animals if offered for sale to be seized and reported to the mayor, &c.

7. In case any animal infected with or laboring under any infectious or contagious disorder, be exposed or offered for sale, or be brought or attempted to be brought for the purpose of being exposed or offered for sale in any market, fair or other open or public place where other animals are commonly exposed for sale, then, and in any such case, it shall be lawful for any clerk or inspector, or other officer of such fair or market, or for any constable or policeman, or for any other person authorized by the Mayor or Reeve, or by any Justice of the Peace having jurisdiction in the place, or for any person authorized or appointed by the Governor, to seize the same, and to report the seizure to the Mayor or Reeve, or to any Justice of the Peace having jurisdiction in the place; and it shall be lawful for such Mayor, Reeve or Justice, to cause the same, together with any pens, hurdles, troughs, litter, hay, straw or other articles which he may judge likely to have been infected thereby, to be forthwith destroyed, or otherwise disposed of, in such manner as he shall deem proper, or as may be directed, as provided by this Act.

Who may cause them, with things supposed infectious, to be destroyed.

8.

8. The foregoing seven sections of this Act shall have force and effect at all times, even in the absence of Orders in Council as hereinafter provided. Effect of foregoing sections.

9. The Governor may, from time to time, by Order in Council, prohibit the importation or the introduction into Canada, or any part thereof, or into any particular port or ports thereof, of cattle, sheep, horses, swine or other animals, or of flesh, hides, hoofs, horns or other parts of animals, or of hay, straw, fodder or other articles either generally or from any place or places that may be named in such order, for such period or periods as he may deem to be necessary for the purpose of preventing the introduction of any contagious or infectious disorder among animals in Canada. Governor in Council may prohibit importation of animals and certain articles.

10. The Governor may, from time to time, by Order in Council, make such regulations for subjecting sheep, cattle, horses, swine or other animals to quarantine, or for causing the same to be destroyed upon their arrival in Canada, or for destroying any hay, straw, fodder or other article whereby it appears to him that infection or contagion may be conveyed, and generally may make such regulations with respect to the importation or introduction into Canada of animals, as he may consider to be necessary in order to prevent the introduction of any infectious or contagious disorder into Canada; and the Governor may also, by Order in Council, make such regulations as he may deem necessary for the keeping separate, treatment and disposal of, and dealing generally with animals affected with contagious diseases, or suspected of being so affected, and for the prevention of the spread of infectious and contagious diseases. May make regulations for subjecting animals to quarantine, &c. And for separation of diseased animals.

11. If any sheep, cattle, horse, swine or other animal be imported or introduced, or attempted to be imported or introduced into Canada, contrary to the provisions of any order made in pursuance of this Act, the same shall be forfeited and may be forthwith destroyed, or disposed of, as the Minister of Agriculture, or person employed by him may direct; and every person importing or introducing, or attempting to import or introduce, any animal into Canada, contrary to the provisions of any such order or regulation, shall be liable to a penalty not exceeding two hundred dollars for every animal so imported or introduced, or attempted to be imported or introduced by him. Forfeiture of animals imported contrary to Order in Council. Penalty for attempting importation.

12. The Governor may, from time to time, by Order in Council, make such regulations as to him may seem necessary for the purpose of segregating and confining animals within certain limits, of declaring places infected, of establishing districts of inspection, or of quarantine and of prohibiting or regulating the removal to or from such parts of Governor in Council may make regulations, for certain purposes, in order to prevent infection or contagion.

or

or places in Canada as he may designate in such order or regulations, of sheep, cattle, horses, swine or other animals, or of meat, skins, hides, horns, hoofs or other parts of any animals, or of hay, straw, fodder or other articles likely to propagate infection; and also for the purpose of purifying any yard, stable, outhouse or other place, or any waggons, carts, carriages, cars or other vehicles, or any vessels; and also for the purpose of directing how any animals dying in a diseased state, or any animals, parts of animals, or other things seized under the provisions of this Act, are to be destroyed or otherwise disposed of; and also for the purpose of causing notices to be given of the appearance of any disorder among sheep, cattle, horses, swine or other animals; and to make any other order or regulation for the purpose of giving effect to the provisions of this Act; and again to revoke, alter or vary any such orders or regulations: and all provisions for any of the purposes aforesaid in any such Order in Council contained shall have the like force and effect as it the same had been inserted in this Act; and every person offending against the same shall, for each and every offence, forfeit and pay such sum, not exceeding two hundred dollars, as the Governor may, in any case, direct to be forfeited and paid for contravention thereof.

Purification of infected places, &c.

Disposal of diseased animals, &c.

Notice of disease.

Legal effect of such regulations.

Penalty for contravention.

Slaughtering diseased animals.

13. The Governor may, from time to time, by Order in Council, cause to be slaughtered animals laboring under infectious or contagious disease and animals being, or having been, in contact with or close proximity to a diseased animal or to an animal suspected of infectious or contagious disease.

Compensation to owners in certain cities.

14. The Governor may, by Order in Council, when the owners are reported by the Minister of Agriculture not guilty of any negligence or offence against the provisions of the first seven sections of this Act, order a compensation to be paid to the owners of animals slaughtered under the provisions of this Act as follows: Where the animal slaughtered was affected by infectious or contagious disease, the compensation to be one-third of the value of the animal before it became so affected; but so that the compensation do not in any such case exceed twenty dollars; in every other case the compensation to be two-thirds of the value of the animal, but so that the compensation do not in any case exceed forty dollars; in all such cases the value of the animal is to be determined by the Minister of Agriculture: but if such owners or their representatives have been guilty of an offence against any of the first seven sections of this Act, no valuation shall be made, and no compensation shall be paid to them.

Compensation limited.

Value to be determined by Minister.

Proviso.

Defining limits of ports, &c.

15. The Governor in Council may, from time to time, by order, define the limits of ports, of infected places, and of other

other circumscriptions for the purposes of this Act, and appoint inspectors and other officers when deemed necessary.

16. Orders in Council prohibiting the importation or the introduction of animals into the country, or establishing quarantines for animals, or declaring places infected, or ordering the slaughtering of animals, shall be published twice in the *Canada Gazette.* Publication of Orders in Council.

17. Inspectors or other officers appointed as aforesaid, on receiving information of the supposed existence of any infectious or contagious disease among animals, shall proceed to the place mentioned with all practicable speed, and execute and discharge the duties relevant to their functions, pursuant to the regulations before mentioned and the instructions received by them. Duty of Inspectors and officers on information received.

18. Any inspector or other officer appointed as aforesaid may, at any time, enter any common, field, stable, cowshed, or other premises within his district, where he has reasonable ground for supposing that any animal affected with infectious or contagious disease is to be found, for the purposes of this Act, but shall, if required, state in writing the grounds on which he has so entered: Power to enter and examine suspected localities.

2. If any person refuses admission to such inspector or officer acting under this Act, or under regulations or orders passed in conformity with this Act, he shall be deemed guilty of an offence against this Act, and, on conviction thereof, shall forfeit and pay a sum not exceeding fifty dollars. Penalty for refusing admission.

19. The certificate of an inspector or an officer as aforesaid to the effect that an animal is affected with an infectious or contagious disease shall, for the purposes of this Act, be *primâ facie* evidence in all courts of justice and elsewhere of the matter certified. Inspector's certificate to be *primâ facie* evidence.

20. Where an inspector finds infectious or contagious disease of animals to exist within his district, he shall forthwith make a declaration thereof under his hand, and shall deliver a notice, under his hand, of such declaration to the occupier of the common, field, stable, cowshed or other premises where the disease is found; and thereupon the same, with all lands and buildings contiguous thereto in the same occupation, shall become and be an infected place; and the same shall be an infected place until the determination and declaration of the Governor in Council relative thereto in this Act provided for: Notice to owners of places where disease is found. Consequence of notice.

2.

Report to Minister of Agriculture.

Duty and power of Minister.

And of Governor in Council

2. Where an inspector makes such a declaration of the existence of infectious or contagious disease of animals, he shall, with all practicable speed, send a copy thereof to the Minister of Agriculture; and if it appears that infectious or contagious disease exists as declared by the inspector, the Governor in Council, on the report of the Minister of Agriculture, may so determine and declare, and may prescribe the limits of the infected place; but if it appears that it did not exist as declared by the inspector, the Governor in Council may so determine and declare, and thereupon the place comprised in the inspector's declaration, or affected thereby, shall cease to be an infected place.

Area of infected locality, how defined.

Power of Governor in Council.

21. The area of an infected place may, in all cases of a declaration by the Governor in Council, include any common, field, stable, cowshed, or other premises in which infectious or contagious disease has been found to exist, and such an area as to the Governor in Council seems requisite; the Governor in Council may, from time to time, by order, extend the limits of an infected place beyond the boundaries of the common, field, stable, cowshed, farm or premises where cattle-plague is declared or found to exist; and may, from time to time curtail such limits.

How area may be described.

22. The area of an infected place may, in any case, be described by reference to a map or plan deposited at some specified place, or by reference to townships, parishes, farms, or otherwise.

Order in Council to be evidence.

23. An Order of the Governor in Council, declaring a place to be an infected place, shall be conclusive evidence in all courts of justice and elsewhere of the existence of disease and other matters on which the order proceeds.

Removal of animals, &c., without license, may be prevented.

24. Regulations and orders may be issued by the Governor in Council to prevent the removal of live animals, hide, skin, hair, offal of any animals, or any part thereof, the carcass or any remains of any animal, any dung of animals, and any hay, straw, litter, or other thing commonly used for or about animals, out of an infected place, without a license signed by an inspector or other officer appointed as aforesaid.

Penalty for contravention.

25. If any animal, hide, skin, hair, wool, horn, hoof, offal, carcass, meat, dung, hay, straw, litter, or other thing is moved in contravention of the rules of this Act with respect to infected places, any person moving the same, or causing the same to be moved, shall be deemed guilty of an offence against this Act, and, on conviction thereof, shall forfeit and pay a sum not exceeding two hundred dollars.

26. The provisions of this Act with respect to infected places, shall not restrict the moving of any person, animal or thing by railway or other mode of transport on highways through an infected place, such person, animal or thing not being detained within the infected place, unless such transit is prohibited by the Order of the Governor in Council. As to transit through infected places.

27. Any constable may apprehend any person found committing an offence against the provisions of this Act with respect to infected places; he shall take any person so apprehended, as soon as conveniently may be, before a Justice of the Peace to be examined and dealt with according to law; and a person so apprehended shall not be detained in custody by any constable without the order of a justice longer than is necessary for bringing him before a justice, or than twenty-four hours at longest; he may require that any animal or thing moved out of an infected place in contravention of those provisions be forthwith taken back within the limits of that place, and may enforce and execute such requisition. Apprehension of persons offending against this Act, to be brought before a justice of the peace. Duty and power of justice of the peace.

28. The Governor in Council may, at any time, by order, declare any place to be free from infectious or contagious disease; and thereupon, and from the time specified in that behalf in the order, the place shall cease to be an infected place. Declaring a place free from disease.

29. An Order of the Governor in Council relative to an infected place shall supersede any order of a local authority inconsistent with it. Order in Council to supersede any local order.

30. Where, under this Act, an Inspector makes a declaration which constitutes a place an infected place, he may also, if the circumstances of the case appear to him so to require, deliver a notice under his hand of such declaration to the occupiers of all lands and buildings adjoining thereto, any part whereof respectively lies within one mile of the boundaries of the infected place in any direction, and thereupon the provisions of this Act with respect to infected places shall apply and have effect, to and in respect of those lands and buildings as if the same were actually within the limits of the infected place. Power of Inspector declaring a place infected; extension of boundaries.

31. Where a person having cattle in his possession or keeping within the district wherein infectious or contagious disease exists, affixes at the entrance to a building or enclosed place in which such cattle are kept, a notice forbidding persons to enter into that building or place without his permission, then, if any person not having a right of entry or way into that building or place, enters into the same, or any part thereof, in contravention of the notice, he shall for every such offence be liable to a penalty not exceeding twenty dollars. Penalty for entering where entrance is forbidden.

Duty of carriers to cleanse and disinfect vessels, carriages, &c.

32. Every steamboat company, railway company, and other company, and every person carrying animals for hire to or in Canada, shall thoroughly cleanse and disinfect, in such manner as the Governor may, from time to time, by Order in Council direct, all steamers, vessels, boats, pens, carriages, trucks, horse-boxes and vehicles used by such company or person for the carrying of animals:

Penalty for neglect.

2. If any company or person on any occasion fails to comply with the requirements of any such Order in Council, such company or person shall, on every such occasion, be deemed guilty of an offence against this Act.

Power of entry to inspect vessels, &c. or premises suspected.

33. Any inspector or any officer authorized to carry out this Act may, at all times, enter on board any steamer, vessel or boat in respect whereof he has reasonable grounds for supposing that any company or person has failed to comply with the requirements of any such order, and on premises where he has reasonable grounds for supposing that any pen, carriage, car, vessel, truck, horse-box or vehicle, in respect whereof any company or person has on any occasion so failed is to be found; and if any company or person refuses admission to an inspector or other officer acting under this section, such company or person shall be deemed guilty of an offence against this Act, and, on conviction thereof, shall forfeit and pay a sum not exceeding one hundred dollars.

Penalty for refusing admission.

Experimental treatment and *post mortem* examination; &c., when allowable.

34. The Governor in Council may, notwithstanding anything in this Act, reserve for experimental treatment any animal ordered to be slaughtered under this Act, and the Minister of Agriculture may authorize any of his officers or persons employed by him to make *post-mortem* examination of animals having died or supposed to have died from infectious or contagious disease, and to dig up carcasses of such animals for the purpose of investigation.

Orders in Council.

35. The Governor in Council may, from time to time, make such orders as he thinks expedient for all or any of the following purposes:—

Requiring notice.

For requiring notice of the appearance of any such disease among animals;

Prohibiting markets, &c.

For prohibiting or regulating the holding of markets fairs, exhibitions or sales of animals;

Slaughtering animals.

For slaughtering of animals as provided for by this Act;

Proof as to animals imported.

For requiring proof of the fact that animals imported into or passing through Canada have not, at the time of their embarkation, been brought from any place or locality where any contagious or infectious disease may, at the said time, be in existence;

And

And, generally, any orders whatsoever which he may think it expedient to make for the better execution of this Act, or for the purpose of in any manner preventing the spreading of and for the extirpation of contagious or infectious disease among animals, whether any such orders are of the same kind as the kinds enumerated in this section or not. Power to make orders generally under this Act.

36. Every such order shall have the like force and effect as if it had been enacted in this Act. Effect of such orders.

37. An order or regulation made or issued under this Act, or under any Order of the Governor in Council, may be proved as follows:— Proof of orders.

By the production of a copy of a newspaper containing a copy of such order or regulation; or—

By the production of a printed or other copy of such order or regulation issued to an inspector or other officer as aforesaid;

And any such order or regulation shall, until the contrary is proved, be deemed to have been duly made and issued at the time at which it bears date. Presumption as to orders.

38. If any person obstructs or impedes an inspector or other officer acting in execution of this Act, or of any Order of the Governor in Council thereunder, he, and every person aiding and assisting him therein, shall be guilty of an offence against this Act, and the inspector or other officer, or any person whom he calls to his assistance, may seize the offender and detain him until he can conveniently be taken before a Justice of the Peace to be dealt with according to law. Arrest of persons impeding execution of this Act.

39. For the purposes of proceedings under this Act, or any order or regulation of the Governor in Council, every offence against this Act, or any such order or regulation, shall be deemed to have been committed, and every cause of complaint under this Act, or any such order or regulation, shall be deemed to have arisen either in the place in which the same actually was committed or arose, or in any place in which the person charged or complained against happens to be. Where offenders shall be held to have been committed.

40. The Act thirty-second and thirty-third Victoria, chapter thirty-seven, intituled "*An Act respecting Contagious Diseases affecting Animals*," is hereby repealed. 32, 33 V., c. 37 repealed.

41. All Orders and Regulations passed in virtue of the said Act thirty-second and thirty-third Victoria, chapter thirty-seven, repealed, and any act done, or action entered, or right But orders, &c., under that Act to continue in

force until otherwise ordered. right of action existing in virtue of the said Act, or Orders, or Regulations shall continue in effect for the time prescribed by the said Act or the said Order, or until superseded by Orders passed under the present Act.

Short title. **42.** When citing this Act, it shall be sufficient to call it "*The Animal Contagious Diseases Act*, 1879."

CHAP. 24.

An Act respecting tonnage dues levied in Canadian ports under Canadian law.

[*Assented to 15th May*, 1879.]

Preamble. HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Computation of tonnage for dues in Canadian ports. **1.** Whenever, under any Canadian Act or law, any tax, duty or due is to be levied on any ship in a Canadian port, according to the tonnage of such ship, such tonnage shall be exclusive of any space added to the ship's registered tonnage by the twenty-third section of the Act of the Parliament of the United Kingdom known as "*The Merchant Shipping Act*, 1876."

39-40 V., c. 80.

CHAP. 25.

An Act to amend "The Pilotage Act, 1873."

[*Assented to 15th May*, 1879.]

Preamble. 36 V., c. 54. IN amendment of "*The Pilotage Act*, 1873," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 65 amended, as to ships not registered in Canada. **1.** The sixty-fifth section of the said Act is hereby amended by inserting after the word "ship" in the first line thereof, the words "registered in Canada"; and after the passing of this Act no master or mate of any ship not registered in Canada shall be examined, or receive a pilotage certificate, under the said section, or act as a pilot under the said Act.

2.

2. In addition to the general powers of pilotage authorities mentioned in section eighteen of the said Act, the Pilotage Authority of the Pilotage District of Montreal, shall have power, from time to time, by by-law confirmed as provided in the said section, to make provision for granting a second class pilotage license, to such indentured apprentices as may be found competent to perform a limited or subordinate class of pilotage duties,—such second class licenses to remain in force until the holders of them become qualified to be licensed as pilots, unless sooner withdrawn or suspended for cause; and from time to time to fix and alter the pilotage dues payable to the holders of such second class licenses; but the employment of a pilot holding a second class license, shall not be compulsory.

Power to Montreal Pilotage Authorities to grant second class pilot licenses and make a tariff of pilotage dues.

Proviso.

CHAP. 26.

An Act to extend "An Act respecting Certificates to Masters and Mates of ships."

[*Assented to* 15*th May*, 1879.]

WHEREAS it is expedient to provide for the voluntary examination of, and for the granting of certificates of competency to persons intending to act in the capacity of "Second Mate" on board sea-going ships registered in Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. Subject to the provisions hereinafter made, the Act passed in the thirty-third year of Her Majesty's reign, and intituled "*An Act respecting certificates to Masters and Mates of ships*," is hereby extended and made applicable to persons intending to act in the capacity of "Second Mate;" and a certificate of competency to act as second mate may be granted to every applicant duly reported by the examiner to have passed the examination satisfactorily, subject to the conditions and provisions mentioned in the fourth section of the said Act.

Act 33, V., c. 17, cited.

Examination for second Mate.

2. All applicants for examination as "Second Mates" shall, before such examination, pay to such person as the Minister of Marine and Fisheries appoints for that purpose a fee of five dollars; and in the event of any applicant failing to procure his certificate of qualification on his first examination, he shall be entitled to a second examination without payment of any additional fee; but if he fails to procure his certificate of qualification on such second examination, he shall

Fee payable before first examination.

And on any examination after the second.

shall pay the same fee before any subsequent examination, which is hereby required to be paid before a first examination.

Employment of certificated second mate not compulsory.

3. Nothing in this Act contained shall, however, render it compulsory on the part of the owner of any vessel to have on his vessel a Second Mate holding such a certificate as is above mentioned, to enable him to clear his vessel for sea.

CHAP. 27.

An Act to amend "The Seamen's Act, 1873."

[*Assented to* 15*th May*, 1879.]

Preamble.

HER Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

36 V., c. 129, s. 32 repealed.

1. The thirty-second section of the Act passed in the thirty-sixth year of Her Majesty's reign, chaptered one hundred and twenty-nine, and intituled "*An Act respecting the Shipping of Seamen*," is hereby repealed, and the following is substituted therefor:—

New section substituted. As to ships over 150 tons register.

"32. The master of every Canadian foreign sea-going ship over one hundred and fifty tons register, shall, on signing the agreement with his crew, produce to the Shipping Master before whom the same is signed, the certificates of competency or service, which the said master and his first mate or only mate, are required by law to possess; and if the Shipping Master be the chief officer of Customs at the port, he shall not clear any such ship of over one hundred and fifty tons register without such certificates being first produced to him, and shall not clear any ship of any tonnage register until all the requirements of this Act have been complied with to his satisfaction; and if any master of any ship attempts to go from any port until all the requirements of this Act have been complied with, he shall, for every such offence, incur a penalty not exceeding two hundred dollars; and if the Shipping Master be not the chief officer of Customs at the port, then in the case of any ship of any tonnage register, on all the requirements of this Act being complied with to the satisfaction of the Shipping Master,—and in the case of any such ship of over one hundred and fifty tons register, on the production of the said certificates in addition to complying with all the requirements of this Act to

Ships not over 150 tons.

Penalty on ships going to sea without complying with this Act.

If over 150 tons.

to the satisfaction of the Shipping Master, such Shipping Master shall give the master of the ship a certificate to that effect or to the effect that the agreement is in his office partially signed waiting an engagement of a portion of the crew, as the case may be;

"No officer of Customs shall clear any ship of any tonnage register without the production of the Shipping Master's certificate to the effect that all the requirements of this Act have been complied with, or to the effect that the agreement is in his office partially signed waiting an engagement of a portion of the crew, as the case may be, and shall not clear any such ship of over one hundred and fifty tons register, without the production of such certificate and the certificates of competency or service above mentioned; and if any ship of any tonnage register attempts to go to sea without complying with all the requirements of this Act, the master of such ship shall incur a penalty not exceeding two hundred dollars; and at any port at which the chief officer of Customs acts as Shipping Master, such officer of Customs shall not clear any ship outwards until all the requirements of this Act have been complied with to his satisfaction."

Customs Officers forbidden to clear ships until this Act is complied with.

Penalty for going to sea without complying with this Act.

CHAP. 28.

An Act to amend the Acts respecting the Trinity House and Harbour Commissioners of Montreal.

[*Assented to* 15*th May*, 1879.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. The Harbour Commissioners of Montreal may make by-laws from time to time re-adjusting the tariff of tolls, rates, dues and duties, to be levied in the said harbour, under the Act passed in the thirty-sixth year of Her Majesty's reign, intituled "*An Act respecting the Trinity House and Harbour Commissioners of Montreal,*" and the Acts amending it; and all the provisions and remedies contained in the said Acts respecting the levying of such tolls, rates, dues and duties, shall be applicable to them, as re-adjusted by such by-law: Provided always, that such re-adjusted tariff shall not increase, in the whole, the tolls, rates, dues and duties now in force in the said harbour; and provided also, that such re-adjusted tariff shall not be in force until approved by the Governor in Council.

Commissioners may re-adjust tolls under 36 V., c. 61.

Proviso.

Proviso.

 CHAP.

CHAP. 29.

An Act to amend the "Act respecting the Harbour of Pictou, in Nova Scotia."

[*Assented to* 15*th May*, 1879.]

Preamble. 36 V., c. 63.

IN amendment to the Act passed in the thirty-sixth year of Her Majesty's reign, and intituled "*An Act respecting the Harbour of Pictou, in Nova Scotia*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Commissioners may employ policemen.

1. It shall be lawful for the commissioners appointed under the said Act to have the superintendence of the said Harbour of Pictou, to appoint from time to time, with the approval of the Minister of Marine and Fisheries, and to pay out of the proceeds of the harbour dues collected under the said Act and received by them, fit and proper persons not exceeding three in number, as police constables, who, being duly sworn as such by any Justice of the Peace for the locality, shall, while so employed, obey all lawful orders of the said commissioners, and shall have, in the said harbour and for the distance of three miles from the boundaries thereof, all the rights, powers and responsibilities of constables duly appointed in Nova Scotia, but for the purpose only of carrying out this Act, and the criminal laws of the Dominion.

Powers and duties of policemen.

Extent of harbour declared.

2. And in amendment of the said Act, and for removing doubts under it, and more especially under the fifth section thereof, it is declared and enacted that the said section and Act do and shall extend and apply to the South Market Street wharf, and to any other wharf or wharves which the commissioners have built or may hereafter build, as fully and effectually as to the public wharf mentioned in the said fifth section.

CHAP. 30.

An Act respecting the Harbour of North Sydney in Nova Scotia.

[*Assented to* 15*th May*, 1879.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1.

1. In the construction and for the purposes of this Act, (if not inconsistent with the context or subject matter,) the following terms shall have the respective meanings hereinafter assigned to them, that is to say: "Ship" shall include every description of vessel used in navigation, not propelled by oars; "Master" shall include every person (except a pilot) having command or charge of a ship.

Interpretation clause. "Ship." "Master."

2. The Governor may, from time to time, appoint three commissioners under this Act to have superintendence of the harbour and harbour master of the Port of North Sydney, in the Province of Nova Scotia.

Appointment of Commissioners.

3. The commissioners shall, from time to time, appoint a fit and proper person to be harbour master for the said Port of North Sydney.

Harbour Master.

4. The commissioners appointed under this Act, shall be under the control of the Minister of Marine and Fisheries, to whom they shall respectively furnish a report in writing, and on oath, on or as soon as possible after the thirty-first day of December of each year, of their doings in office and of the moneys received and expended by them, in such form as the said Minister may direct.

Control of, and report to, Minister of Marine and Fisheries.

5. The said commissioners shall have power, from time to time, with the consent of the Governor in Council to make, repeal or amend rules and regulations defining the rights, powers and duties of the harbour master of the said port, and the use, management and government of the said harbour, and providing for the erection and location of ballast and other wharves, and the rates of wharfage to be paid for the use of such wharves; and by such rules and regulations to impose reasonable penalties, not in any case exceeding one hundred dollars for any breach of such rules and regulations, with, in the case of continuing breach thereof, a further penalty not exceeding ten dollars for every twelve hours during which such breach continues,—but so that no such rule or regulation shall impose a minimum penalty; and every breach of any such rule or regulation shall be deemed an offence against this Act, and every such penalty shall be held to be a penalty imposed by this Act.

Powers of Commissioners. Regulations for Harbour. Penalties; amount limited.

6. The said commissioners shall keep, or cause to be kept, a book or books in which shall be entered, from day to day, every vessel arriving in the harbour and sailing from the harbour, together with the description, tonnage and value of cargoes entered inwards and outwards.

Books to be kept.

7. The said commissioners shall place and maintain the necessary buoys and beacons in and for the said harbour.

Buoys and Beacons.

8.

Salary of Harbour Master.

8. The salary of the harbour master shall be at the rate of not exceeding four hundred dollars per annum.

Dues on ships using the harbour.

9. A rate or duty of one cent per ton on the registered tonnage of each ship exceeding forty tons register, shall be levied and collected as harbour dues on all ships over forty tons register, entering the said harbour for any purpose whatever.

Collection of dues by customs officer.

10. The said harbour dues shall be collected by the Collector of Customs at the said port, who shall not grant entry inwards or clearance outwards to any ship until the harbour dues on her are paid; and shall pay over to the said commissioners on the last day of each quarter, namely, on the thirty-first March, thirtieth June, thirtieth September, and thirty-first December, or as soon thereafter as possible, the amount so collected, for the maintenance and improvement of the said harbour and wharves, and the buoys, beacons and other appurtenances thereof.

Employees.

11. It shall be lawful for the said commissioners to appoint such officers, assistants and servants as may be found necessary for the maintenance and improvement of the said harbour, the erection of ballast or other wharves, and the carrying out of the provisions of this Act; and with the approval of the Minister of Marine and Fisheries, to appoint from time to time, and pay out of the proceeds of the said harbour dues, fit and proper persons, not exceeding three in number as police constables, who, being duly sworn as such by any Justice of the Peace for the locality, shall, while so employed, obey all lawful orders of the said Commissioners, and shall have in the said harbour, and for the distance of three miles from the boundaries thereof, all the rights, powers and responsibilities of constables duly appointed in Nova Scotia, but for the purpose only of carrying out this Act, and the criminal laws of the Dominion.

Harbour police; and their powers.

Application of harbour dues by Commissioners.

12. The said commissioners shall pay out of the sums received by them as harbour dues from the Collector of Customs, the salary of the harbour master and other necessary expenses for carrying out this Act, and shall expend so much of the balance as may remain after the payment of the necessary expenses of the maintenance and repairs of the said harbour, ballast or other wharves, beacons and other appurtenances, in the improvement of the said harbour, ballast and other wharves and appurtenances, in such manner and according to such plans as may be suggested by them, and approved by the Minister of Marine and Fisheries.

With approval of Minister.

Extent of the harbour.

13. The said harbour shall include and consist of all the water space and beach, up to high water mark, within a line drawn from the point of the North Bar to Fraser's Wharf on the

the south side of the harbour, and from Fraser's Wharf on the South Bar to Point Edward, including the North-West Arm.

14 So much of chapter seventy-nine of the Revised Statutes of Nova Scotia, and of the Act of the Parliament of the Dominion of Canada, passed in the thirty-sixth year of Her Majesty's reign, chaptered nine, and intituled "*An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick,*" and of any other Act or by-law, rule or regulation as is inconsistent with this Act, or as makes any provision for any matter provided for in this Act, is hereby repealed. **Parts of chap. 79 of R. S. Nova Scotia and Act of Canada, 36 V., c. 9. repealed.**

CHAP. 31.

An Act to amend and consolidate the several Acts respecting the Public Lands of the Dominion.

[*Assented to 15th May,* 1879.]

Note.—The date in the margin opposite any provision, is the year in which it was made, by this Act (1879), or by an Act amending that of 1872 and repealed by section 129 of this Act, when there is no date mentioned, the provision is part of the Act 35 V., c 23, (1872.)

WHEREAS it is expedient with a view to the proper and efficient administration and management of certain of the public lands of the Dominion, that the same should be regulated by statute, and divers Acts have been passed for that purpose which it is expedient to amend and consolidate: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— **Preamble.**

PRELIMINARY—INTERPRETATION.

1. This Act shall apply exclusively to the Lands included in Manitoba and the several Territories of the Dominion, which lands shall be styled and known as *Dominion Lands*; and this Act shall be known and may be cited as the "*Dominion Lands Act* 1879," and the following terms and expressions therein shall be held to have the meaning hereinafter assigned them, unless such meaning be repugnant to the subject or inconsistent with the context; that is to say:— **Interpretation.**

1. The term *Minister of the Interior*, means the Minister of the Interior of Canada: **"Minister of the Interior."**

2.

"Surveyor-General." 2. The term *Surveyor-General* means the said officer, or, in his absence, the chief clerk performing his duties for the time being:

"Agent," "Officer." 3. The term *Agent* or *Officer* means any person or officer employed in connection with the administration and management, sale or settlement of Dominion lands; and the term *Local Agent* means the Agent for Dominion lands employed as aforesaid, with respect to the lands in question; and the term *Land Office* means the office of any such Agent:

"Dominion Land Surveyor." 4. The term *Dominion Land Surveyor* means a Surveyor duly authorized under the provisions of this Act to survey Dominion lands:

"Crown Timber Agent." 5. The term *Crown Timber Agent* means the local officer appointed to collect dues and to perform such other duties as may be assigned to such officer, in respect to the timber on Dominion lands:

"Island." 6. The term *Island*, as used in connection with timber, means an isolated grove or clump of timber in Prairie:

"Belt." 7. The term *Belt*, as used in connection with timber, means a strip of timber along the shore of a lake, river or water course:

"Section." "Sub-section." 8. The term *Section* means a section of this Act distinguished by a separate number, and the term *Sub-section* means a subdivision of any clause distinguished by a separate number or letter, in smaller type:

"Canada Gazette." 9. The term *Canada Gazette* means the official Gazette of the Government, published at Ottawa:

DOMINION LANDS OFFICE.

Administration and management of Dominion Lands. 2. The Department of the Minister of the Interior of Canada, shall be charged with the administration and management of the Dominion lands.

Office. 1. Such administration and management shall be effected through a Branch of the said Department, to be known and designated as "*The Dominion Lands Office.*"

Copies of documents certified to be evidence. 2 Copies of any records, documents, plans, books or papers belonging to or deposited in the said office, attested under the signature of the Minister of the Interior or of the Surveyor-General, and of plans or documents in any Dominion lands or Surveys office in Manitoba or the North-West Territories, attested under the signature of the Agent or Inspector of Surveys, as the case may be, in charge of such office, shall be competent

competent evidence in all cases in which the original records, documents, books, plans, or papers could be evidence.

Employees not to purchase lands, &c.

3. No person employed in or under the Dominion Lands Office shall purchase any of such lands, except under authority of an Order in Council, or shall locate military or bounty land warrants, or land scrip, or act as agent of any other persons in such behalf.

SYSTEM OF SURVEY.

System of Survey.

8. Subject always to the provisions hereinafter made with respect to special cases,—

Townships to contain thirty-six square miles exclusive of road allowances.

1. The Dominion lands shall be laid off in quadrilateral townships, containing thirty-six sections of one mile square in each, (except in the case of those sections rendered irregular by the convergence or divergence of meridians as hereinafter mentioned) together with road allowances of one chain and fifty links in width, between all townships and sections.

Sections.

2. The sections shall be bounded and numbered as shewn by the following diagram :

N.

W. / E.

31	32	33	34	35	36
30	29	28	27	26	25
19	20	21	22	23	24
18	17	16	15	14	13
7	8	9	10	11	12
6	5	4	3	2	1

S.

Townships to measure on each side 489 chains.

Proviso: as to reduction of width of road allowances, in certain places.

3. The township therefore will, subject to deficiency or surplus from converging or diverging meridians, as the case may be, measure on each side, from centre to centre of the road allowances bounding the same, four hundred and eighty-nine chains: Provided that the Governor in Council may hereafter, should the same be deemed expedient, reduce the width of the road allowances on township and section lines in that part of the territory lying north of the line between townships eighteen and nineteen, and east of the tenth range east of the principal meridian, and west of the fourteenth range west of the said meridian.

Lines bounding townships.

4. The lines bounding townships on the east and west sides shall, in all cases, be true meridians, and those on the north and south sides shall be cords intersecting circles of latitude passing through the angles of the townships.

5.

How townships shall be numbered.

5 The townships shall be numbered in regular order northerly from the international boundary or forty-ninth parallel of latitude, and shall lie in ranges numbered, in Manitoba, east and west from a certain meridian line run in the year 1869, styled the "Principal Meridian," drawn northerly from the said forty-ninth parallel at a point ten miles or thereabouts westerly from Pembina.

Other governing or guide meridians.

6. In the territories east and west of Manitoba such other governing or guide meridians may be adopted and confirmed by the Governor in Council as may, from time to time, become expedient.

Townships to be 489 chains wide on the base lines.

7. The townships shall be laid out the precise width of four hundred and eighty-nine chains, as aforesaid, on the base lines hereinafter mentioned, and the meridians between townships shall be drawn from such bases, north or south to the depth of two townships, that is to say, to the correction lines hereinafter mentioned.

Base lines for townships.

8. The said forty-ninth parallel or international boundary shall be the first base line, or that for townships one and two. The second base line shall be between townships four and five, the third between townships eight and nine, the fourth between townships twelve and thirteen, the fifth between townships sixteen and seventeen, and so on northerly in regular succession.

Correction lines, what township lines to be.

9. The correction lines, or those upon which the "jog" resulting from the want of parallelism of meridians shall be allowed, will be as follows, that is to say:—On the line between townships two and three, on that between six and seven, on that between ten and eleven, and so on. In other words, they will be those township lines running east and west which are equi-distant from the bases, at the depth of two townships.

Division of sections.

10. Each section shall be divided into quarter sections of one hundred and sixty acres, more or less, subject to the provisions hereinafter made.

Allowances for deficiency or surplus in survey of townships.

11. In the survey of any and every township, the deficiency or surplus, as the case may be, resulting from convergence or divergence of meridians shall be allowed in the range of quarter sections adjoining the west boundary of the township, and the north and south error in closing on the correction lines from the the north or south shall be allowed in the ranges of quarter sections adjoining, and north or south respectively of the said correction lines.

Dimensions and area of irregular

12. The dimensions and area of the irregular quarter sections resulting from the provision in the next preceding clause,

clause, whether the same be deficient or in excess, shall, in all cases, be returned by the surveyor at their actual measurements and contents. Quarter-sections, how to be returned.

13. Preliminary to the sub-division into townships and sections of any given portion of country proposed to be laid out for settlement, the same shall be laid out into blocks of four townships each, by projecting the base and correction lines, and east and west meridian boundaries of each block: Country to be laid out into blocks of four townships each in the first instance, and how.

1. On these lines, at the time of the survey, all township section and quarter section corners shall be marked, which corners shall govern, respectively, in the subsequent subdivision of the block: Corners.

2. Only a single row of posts or monuments to indicate the corners of townships, or sections (except as hereinafter provided), shall be placed on any survey line: these posts or monuments, as an invariable rule (with the exception above referred to,) shall be placed in the west limit of the road allowances, on north and south lines, and in the south limit of road allowances, on east and west lines; and in all cases shall fix and govern the position of the boundary corner between the two adjoining townships, sections or quarter sections on the opposite side of the road allowance: Posts and monuments.

3. Provided that in the case of the township, section and quarter section corners on correction lines, posts or monuments shall in all cases be planted and marked independently for the townships on either side; those for the townships north of the line, in the north limit of the road allowance; and those for the townships south, in the south limit. Proviso: as to correction lines.

14. The township sub-division surveys of the Dominion lands, according to the system above described, shall be carried out and shall be performed by contract at a certain rate per mile or per acre, fixed from time to time by the Governor in Council. Surveys to be performed by contract. (1872, & 1874.)

15. Legal sub-divisions as applicable to the survey, sale and granting of the Dominion lands, shall be as follows: and it shall be sufficient that such legal subdivisions be severally, as the case may require, designated and described by such names or numbers and areas for letters patent, that is to say:— Legal sub-divisions of townships.

1. A section or 640 acres;

A half section or 320 acres;

A quarter section or 160 acres;

A half quarter section or 80 acres;

A quarter quarter section or 40 acres

2.

Quarter-quarter sections. 2. To facilitate the descriptions for Letters Patent of less than a half quarter section, the quarter sections composing every section in accordance with the boundaries of the same as planted or placed in the original survey, shall be supposed to be divided into quarter quarter sections, or forty acres, and such quarter quarter sections shall be numbered as shewn in the following diagram, which is intended to shew the above proposed subdivisions of a section.

N.

	13	14	15	16	
W.	12	11	10	9	E.
	5	6	7	8	
	4	3	2	1	

S.

Areas to be more or less. (1872 & 1874.) 3. The area of any legal subdivision as above set forth, in Letters Patent, shall be held to be more or less, and shall in each case be represented by the exact quantity as given to such subdivision in the original survey.

Proviso: as to the laying out and description of lands in certain localities. **16**. Provided that nothing in this Act shall be construed to prevent the lands upon the Red and Assineboine Rivers surrendered by the Indians to the late Earl of Selkirk, from being laid out in such manner as may be necessary in order to carry out section thirty-two of the Act thirty-third Victoria, chapter three, or to prevent fractional sections or lands bordering on any river, lake, or other water course or public road, from being divided; or such lands from being laid out in lots of any certain frontage and depth, in such manner as may appear desirable; or to prevent the subdivision of sections or other legal subdivisions into wood lots as hereinafter provided; or from describing the said lands upon the Red and Assineboine Rivers, or such subdivisions of fractional sections, or other lots, or wood lots, for patent, by numbers according to a plan of record, or by metes and bounds, or by both, as may seem expedient.

DISPOSAL OF THE DOMINION LANDS.

LANDS RESERVED BY THE HUDSON'S BAY COMPANY.

Recital. **17**. Whereas by article five of the terms and conditions in the deed of surrender from the Hudson's Bay Company to the Crown, the said Company is entitled to one-twentieth of the lands surveyed into townships in a certain portion of the territory surrendered, described and designated as the Fertile Belt:"

And

And whereas by the terms of the said deed, the right to claim the said one-twentieth is extended over the period of fifty years, and it is provided that the lands comprising the same shall be determined by lot; and whereas the said Company and the Government of the Dominion have mutually agreed that with a view to an equitable distribution throughout the territory described, of the said one twentieth of the lands, and in order further to simplify the setting apart thereof, certain sections or parts of sections, alike in numbers and position in each township throughout the said territory, shall, as the townships are surveyed, be set apart and designated to meet and cover such one-twentieth: **Recital.**

And whereas it is found by computation that the said one-twentieth will be exactly met, by allotting in every fifth township two whole sections of six hundred and forty acres each, and in all other townships one section and three quarters of a section each, therefore— **Recital.**

In every fifth township in the said territory; that is to say: in those townships numbered 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, and so on in regular succession northerly from the international boundary, the whole of sections Nos. 8 and 26, and in each and every of the other townships, the whole of section No. 8, and the south half and north-west quarter of section 26 (except in the cases hereinafter provided for) shall be known and designated as the lands of the said Company. **Certain sections and parts of sections in certain townships to be known as Hudson's Bay Company's lands.**

18. Provided that the Company's one twentieth of the lands in fractional townships shall be satisfied out of one, or other, or both, as the case may be, of the sections numbers eight and twenty-six as above, in such fractional townships,—the allotment thereof to be effected by the Minister of the Interior and the said Company, or some person duly authorized by them respectively. **The Company's one-twentieth in fractional townships.**

19. Provided further, that on the survey of a township being effected, should the sections so allotted, or any of them, or any portion of them, be found to have been *bonâ fide* settled on under the authority of any Order in Council, or of this Act, then if the Company forego their right to the sections settled upon as aforesaid, or any one or more of such sections, they shall have the right to select a quantity of land equal to that so settled on, and in lieu thereof, from any lands then unoccupied. **Company may select land in lieu of allotted land found to be settled upon under authority.**

20. Provided also, as regards the sections and parts of sections as mentioned in clause seventeen, that where the same, may be situate in any township withdrawn from settlement and sale, and held as timber lands under the provisions hereinafter contained, the same shall form no part of the timber limit or limits included in such township, but shall be held to be the property of the Company: **Company's lands to form no part of timber limits.**

2.

The Company to be paid one-twentieth of the revenues from timber limits in unsurveyed territory within the fertile belt.

2. Provided further, that one-twentieth of the revenue derived from timber limits which may be granted in unsurveyed territory within the fertile belt, as hereinafter provided, shall be annually, so long as the townships comprised in the same remain unsurveyed, paid and accounted for to the Company, such one-twentieth to cease or to be diminished in proportion as the townships comprised in such limits, or any of them, may be surveyed,—in which event the Company shall receive their one-twentieth interest in the lands in such townships in sections eight and twenty-six as hereinbefore enacted: Provided, nevertheless, that on such sections being surveyed as aforesaid, should the some or either of them prove to have been denuded of timber by the lessee, to the extent of one-half or more, then, in such case the Company shall not be bound to accept such section or sections so denuded, and shall have the right to select a section or sections to an equal extent in lieu thereof from any unoccupied lands in such township.

Proviso: as to lands denuded of timber. (1872 & 1874.)

Title to lands to pass to Company without Patent in certain cases, and under Patents in other cases.

21. As townships are surveyed and the respective surveys thereof confirmed, or as townships or parts of townships are set apart and reserved from sale as timber lands, the Governor of the said Company shall be duly notified thereof by the Surveyor-General, and thereupon this Act shall operate to pass the title in fee simple in the sections or three-quarter parts of sections to which the Company will be entitled under clause seventeen, as aforesaid, and to vest the same in the said Company, without requiring a patent to issue for such lands; and as regards the lands set apart by lot, and those selected to satisfy the one-twentieth in townships other than the above, as provided in clauses eighteen and nineteen, returns thereof shall be made in due course by the local agent or agents to the Dominion Lands Office, and patents shall issue for the same accordingly.

EDUCATIONAL ENDOWMENT.

Sections 11 and 29 in every township set apart as an educational endowment.

22. And whereas it is expedient to make provision in aid of education in Manitoba, and the North-West Territories, therefore sections eleven and twenty-nine in each and every surveyed township throughout the extent of the Dominion lands, shall be and are hereby set apart as an endowment for purposes of education:

Such sections not to be subject to right of purchase by private entry, or preemption, or homestead right.

1. The sections so dedicated shall be designated "school lands," and shall be dealt with in manner as hereinafter provided, and the same are hereby withdrawn from the operation of the clauses in this Act relating to purchase by private entry and to homestead right, and it is hereby declared that no such right of purchase by private entry or homestead right shall be recognized in connection with the said sections or any part or parts thereof:

2.

2. Provided, that on a township being surveyed, should such sections, or either of them, or any part of either, be found to have been settled on and improved, then and in such case the occupant or occupants conforming to the requirements of this Act shall be confirmed in such possession and the Minister of the Interior shall select a quantity equal to that found to have been so settled on from the unclaimed lands in such township, and shall withdraw the land so selected from sale and settlement, and shall set apart and publish the same as school lands, by notice in the *Canada Gazette* : Proviso: if such sections are found settled on and improved.

3. Provided further, that the land found to have been settled upon and improved as above is not embraced within the class of lands reserved from the operation of the Homestead provisions of this Act by sub-section eighteen of section thirty-four thereof. Proviso: Homestead lands. (1879.)

DISPOSAL OF SCHOOL LANDS.

23. The school lands shall be administered by the Governor in Council, through the Minister of the Interior : How to be administered. (1879.)

1. Provided that all sales of school lands shall be at public auction, and that in no case shall such lands be put up at an upset price less than the fair value of corresponding unoccupied lands in the township in which such lands may be situate : Sales to be by auction; upset price limited.

2. Provided, also, that the terms of sale of school lands shall be one-fifth in cash at the time of sale, and the remainder in nine equal successive annual instalments, with interest at the rate of six per cent. per annum, to be paid with each instalment on the balance of purchase-money from time to time remaining unpaid : Terms of payment.

3. Provided, also, that all moneys from time to time realized from the sale of school lands shall be invested in Dominion securities, and the interest arising therefrom, after deducting the cost of management, shall be paid annually to the Government of the Province or Territory within which such lands are situated towards the support of public schools therein,—the moneys so paid to be distributed with such view by the Government of such Province or Territory in such manner as may be deemed most expedient. Investment of moneys arising from sales; disposal of interest on securities.

MILITARY BOUNTY LAND CLAIMS.

24. In all cases in which land has heretofore been or shall hereafter be given by the Dominion for military services, warrants shall be granted in favour of the parties entitled to such land by the Minister of Militia and Defence, and such warrants Warrants to be granted for lands given for military services.

warrants shall be recorded in the Dominion Lands Office in books to be kept for the purpose, and shall be located as hereinafter provided, and patents for the lands so located shall be issued accordingly.

Such warrants may be located in lands open for sale, or be given in payment for lands.

1. Such warrants may be located by the owners thereof, in any of the Dominion lands open for sale, or may be received in payment for a homestead claim for the same number of acres, or in payment in part or in full, as the case may be, for the purchase at public or private sale of Dominion lands, at the value shewn upon their face, estimating the number of acres in the warrant at the price mentioned therein: Provided always, that no greater area than twenty per cent. of the land, exclusive of school and Hudson Bay Company lands, in any township, shall be open for entry by Military Bounty warrants issued after the passing of this Act.

Proviso.

As to warrants accepted as purchase money.

2. In accepting warrants as so much purchase-money, any deficiency shall be payable in cash: but should any payment by warrant or by amount in warrants, be in excess, the Government will not return any such excess.

As to locating warrants. (1872 & 1876.)

3. In locating a warrant, should the same be for any aliquot part of a section, it must be located in a legal subdivision of corresponding extent; for instance, a warrant calling for one hundred and sixty acres must be located in a certain quarter section intact.

Assignments of Military Bounty Land Warrants.

25. Assignments of Military Bounty land warrants duly made and attested before any person entitled by law to take affidavits shall be recognized as conveying the beneficial interest therein, but no assignment of the interest of the original owner (except in the case of Red River soldiers' warrants as hereinafter mentioned) will be held as transferring such interest, unless the assignment be endorsed on the back of the warrant; and in subsequent assignments the warrant, unless the same has been lost (as hereinafter mentioned), must be attached to and form part of the claimant's or locatee's papers.

Warrant or patent to issue in favor of legal representatives of deceased officer or soldier.

26. In all cases where an officer or soldier entitled to Military Bounty land dies before the issue of the warrant, or between the issue of the warrant and the location thereof, the warrant or the patent, or both, as the case may be, shall issue in favor of the legal representatives of such deceased officer or soldier, according to the law of the Province or Territory where the lands in question lie, who shall be ascertained in such manner and by such court, commissioners or other tribunal, as the Legislature of such Province shall prescribe by any Act passed for that purpose, and shall be certified to the Governor under such Act,—or if the lands be

be in any territory in which there is then no Legislature, then in such manner and by such commissioners as the Governor in Council may, from time to time, direct; and any Order in Council in that behalf may vest in any commissioners under it power to summon witnesses and examine them on oath and to compel the production of documents, and generally may vest in them all such powers, and impose upon all other persons all such obligations, as the Governor in Council may deem necessary in order to ascertain and certify to the Governor the person or persons to whom the patent ought to issue,—and on any such certificate under this clause the patent shall issue in accordance therewith.

Provision in case of there being no Court to determine the legal representative.

2. Provided that in the absence of any court, commissioners, or other tribunal established by the Legislature of the Province or Territory within which the lands in question lie, to determine the legal representatives of such deceased officer or soldier, the Minister of the Interior may refer any case arising under the provisions of this section to the court authorized to be established under the Act passed in the thirty-sixth year of Her Majesty's reign, chaptered six, intituled "*An Act respecting claims to Lands in Manitoba for which no Patents have issued;*" and the provisions thereof shall be and are hereby declared to be in this respect applicable to cases arising under this section.

36 V., c. 6, cited.

New warrant in case of one lost or destroyed.

27. Whenever any warrant for military bounty land, issued in pursuance of this Act, is lost or destroyed, whether the same may or may not have been sold and assigned by the original owner, the Minister of Militia and Defence (such loss or destruction having been proved to his satisfaction) may, and he is hereby required to cause a new warrant of like tenor to be issued in lieu thereof, in favor of the person to whom the warrant belonged at the time of its loss or destruction, if he be still living, or of his legal representatives as aforesaid, if he be no longer living, which new warrant may be assigned, located, and patented, and shall be of like value in every respeet, with the original warrant; and in any and all such cases of re-issue, the original warrant, in whosesoever hands it may be, shall be null and void.

Recital.

28. And whereas by Order of the Governor in Council, dated the 25th April, 1871, it is declared that,—

Free grants under Order in Council confirmed.

The officers and soldiers of the 1st or Ontario and the 2nd or Quebec Battalion of Rifles, then stationed in Manitoba, whether in the service or depôt companies, and not having been dismissed therefrom, should be entitled to a free grant of land, without actual residence, of one quarter section,—such grant is hereby confirmed, and the Minister of Militia and Defence is hereby authorized and required to issue the necessary warrants therefor accordingly.

 29.

Assignments of interest in Government grants recognized.

29. And whereas effect could not be given to the above-mentioned Order in Council, until the lands in Manitoba had been surveyed, and in the mean time many of the said men so entitled as above have assigned their interest in such free grants,—such assignments duly made and attested, and having the certificate of discharge in the case of non-commissioned officers or private soldiers attached thereto, and filed in the Dominion Lands Office before the issue of the warrant, shall be held to transfer in each case the interest of the man so entitled in the warrant when issued, which latter, in every such case, shall be attached, after registry, to the assignment on file, and held for delivery to the party entitled thereto, or for location.

ORDINARY PURCHASE AND SALE OF LANDS.

Surveyed Dominion Lands open to purchase at $1 per acre.

Proviso.

30. Unappropriated Dominion lands, the surveys of which may have been duly made and confirmed, shall, except as otherwise hereinafter provided, be open for purchase at the rate of one dollar per acre; but no such purchase of more than a section, or six hundred and forty acres, shall be made by the same person: Provided that, whenever so ordered by the Minister of the Interior, such unoccupied lands as may be deemed by him expedient from time to time may be withdrawn from ordinary sale or settlement, and offered at public sale (of which sale due and sufficient notice shall be given) at the upset price of one dollar per acre, and sold to the highest bidder:

Proviso added. (1879.)

2. Provided further, that any legal sub-division or other portion of unappropriated Dominion land which may include a water power, harbour or stone-quarry, shall not be open for purchase at the rate of one dollar per acre, but the same shall be reserved from ordinary sale, to be disposed of in such manner, and on such terms and conditions, as may be fixed by the Governor in Council on the report of the Minister of the Interior.

PAYMENTS FOR LANDS.

Payments in cash.

Exceptions.

31. Payments for lands, purchased in the ordinary manner, shall be made in cash, except in the case of payment by scrip or in military bounty warrants as hereinbefore provided.

TOWN PLOTS, &C.

Minister may reserve tracts for Town or Village plots.

32. The Minister of the Interior shall have power, from time to time, to set apart and withdraw from purchase and from the homestead clauses of this Act, any tract or tracts of land which it may be considered by him expedient to lay out into town or village plots, and to cause the same to be surveyed

veyed and laid out, and the lots so laid out to be sold, either by private sale and for such price as he may see fit, or at public auction.

33. The Governor in Council may also set apart and appropriate such Dominion lands as he may deem expedient, for the sites of market places, gaols, court houses, places of public worship, burying grounds, schools, benevolent institutions, squares and for other like public purposes, and at any time before the issue of letters patent therefor, may alter or revoke such appropriation, as he deems expedient, and he may make free grants for the purposes aforesaid of the lands so appropriated,—the trusts and uses to which they are to be subject being expressed in the letters patent. **Governor in Council may set lands apart for other public purposes.**

HOMESTEAD RIGHTS OR FREE GRANT LANDS.

34. Any person, male or female, who is the sole head of a family, or any male who has attained the age of eighteen years, shall be entitled to be entered for one hundred and sixty acres, or for a less quantity, of unappropriated Dominion lands, for the purpose of securing a homestead right in respect thereof. (Form A.) **Entry for homestead right. (1876.)**

But a person obtaining such homestead entry shall be liable to the forfeiture thereof should he not become a *bonâ fide* occupant of the land so entered within two months of the date of entry, and thenceforth continue to occupy and cultivate the same as hereinafter provided. **Proviso as to settlers under Act of 1874. (1879.)**

1. The entry of a person as aforesaid for a homestead right shall entitle him, on payment of a fee equal in amount to that hereinafter prescribed for such homestead entry, to receive at the same time therewith an entry for any adjoining one hundred and sixty acres, or less quantity, of Dominion land then unclaimed, and such entry shall entitle such person to take and hold possession of and cultivate such land so entered in addition to his homestead, but not to cut wood thereon for sale or barter, and, at the expiration of the period of three years, or upon the sooner obtaining a patent for the homestead under the fifteenth sub-section of this section, shall entitle him to a pre-emption of the said land so entered at the Government price of one dollar per acre; but the right to claim such pre-emption shall cease and be forfeited, together with all improvements on such land, upon any forfeiture of the homestead right under this Act. **Right obtained by entry. (1876.) Amended. Forfeiture in certain cases.**

2. When two or more persons have settled on and seek to obtain a title to the same land, the homestead right shall be in him who made the first settlement: **When two or more claim.**

If both have improved.

3. Provided, that in cases where both parties may have made valuable improvements, the Minister of the Interior may order a division of such land, in legal subdivisions, in such manner as may preserve to the said parties, as far as practicable, their several improvements, and further, may direct that what the land of each of such parties, as so divided, may be deficient of a quarter-section, shall be severally made up to them in legal subdivisions from unoccupied quarter-sections adjoining :

Interfering claims, how settled.

4. Questions as to the homestead right arising between different settlers shall be investigated by the local agent of the division in which the land is situated, whose report and recommendation, together with the evidence taken, shall be referred to the Minister of the Interior for decision.

Homestead claims on surveyed land.

On unsurveyed land. (1876 & 1879.)

5. Every person claiming a homestead right on surveyed land must, previously to settlement on such land, be duly entered therefor with the local agent within whose district such land may be situate ; but in case of a claim from actual settlement in then unsurveyed lands, the claimant must file such application within three months after due notice has been received at the local office of such land having been surveyed and the survey thereof confirmed, and proof of settlement and improvement shall be made to the local agent at the time of filing such application, whereupon such claimant shall be allowed to enter, to the extent of one hundred and sixty acres, as a homestead, the land as the same may have been surveyed and laid out, upon which he may be resident, in such manner as to cover his most valuable improvements : Provided that on the survey of a township being made, the Government shall not be bound to protect any person found to have settled on land which, by law or by allotment duly made, may be claimed by the Hudson's Bay Company.

Occupants of contiguous lands.

6. Persons owning and occupying Dominion lands may be entered for other land lying contiguous to their lands, but the whole extent of land, including that previously owned and occupied, must not exceed one hundred and sixty acres, and must be in legal subdivisions.

Entry of contiguous lands. (1872 & 1876.)

7. In entries of contiguous lands, the settler must describe in his affidavit the tract he owns and is settled upon as his original farm. Actual residence on the contiguous land entered is not required, but *bonâ fide* improvement and cultivation of it must be thereafter shewn for the period required by the provisions of this Act.

Affidavit to be made in form B. (1876.)

8. A person applying for leave to be entered for lands with a view of securing a homestead right therein, shall make affidavit before the local agent according to the form B in the schedule to this Act.

9.

9. Upon making this affidavit, and filing it with the local agent, and on payment to him of an office fee of ten dollars for which he shall receive a receipt from the agent, he shall be permitted to enter the land specified in the application. **Entry. (1872 & 1876.)**

10. No patent shall be granted for the land until the expiration of three years from the time of entering into possession of it, except as hereinafter provided. **No patent for three years.**

11. At the expiration of three years the settler or his widow, her heirs or devisees, or if the settler leaves no widow, his heirs or devisees, upon proof to the satisfaction of the local agent, that he or his widow or his or her representatives as aforesaid, or some of them, have (except in the case of entry upon contiguous lands as hereinbefore provided) resided upon and cultivated the land for the three years next after the filing of the affidavit for entry, or in the case of a settler on unsurveyed land, who may, upon the same being surveyed, have filed his application as provided in sub-section five, upon proof, as aforesaid, that he or his widow, or his or their representatives, as aforesaid, or some of them, have resided upon and cultivated the land for the three years next preceding the application for patent, shall be entitled to a patent for the land, provided such claimant is then a subject of Her Majesty by birth or naturalization : **Rights of representatives of settlers, after three years.**

Provided always, that the right of the claimant to obtain a patent under the said sub-section as amended, shall be subject to the provisions of section fifteen of this Act : **Proviso. (1876)**

Provided further that, in the case of settlements being formed of immigrants in communities, (such for instance as those of Mennonites or Icelanders,) the Minister of the Interior may vary or waive, in his discretion, the foregoing requirements as to residence and cultivation on each separate quarter-section entered as a homestead. **Proviso: as to settlements by communities. (1876.)**

12. When both parents die, without having devised the land, and leaving a child or children under age, it shall be lawful for the executors (if any) of the last surviving parent, or the guardian or guardians of such child or children, with the approval of a judge of a superior court of the Province or Territory in which the lands lie, to sell the lands for the benefit of the infant or infants, but for no other purpose; and the purchaser, in such case, shall receive a patent for the land so purchased. **When both parents die intestate. (1872 & 1876.)**

13. The title to lands shall remain in the Crown until the issue of the patent therefor; and such lands shall not be liable to be taken in execution before the issue of the patent. **Title in Crown until patent.**

14.

Settler abandoning his claim. (1876.)

14. In case it is proved to the satisfaction of the Minister of the Interior that the settler has voluntarily relinquished his claim, or has been absent from the land entered by him for more than six months in any one year without leave of absence from the Minister of the Interior, then the right to such land shall be liable to forfeiture, and may be cancelled by the said Minister, and the settler so relinquishing or abandoning his claim shall not be permitted to make more than a second entry.

Patent before end of three years on payment of price, &c.

15. Any person who has availed himself of the foregoing provisions may, before the expiration of the three years, obtain a patent for the land entered upon by him, including the wood lot, if any, appertaining to the same, as hereinafter provided, on paying the Government price thereof at the date of entry, and making proof of settlement and cultivation for not less than twelve months from the date of entry.

Proof of improvement.

16. Proof of actual settlement and cultivation shall be made by affidavit of the claimant before the local agent, corroborated on oath by two credible witnesses.

Inspection by order of Minister. (1872 & 1874.)

The Minister of the Interior may, at any time, order an inspection of any homestead or homesteads in reference to which there may be reason to believe the foregoing provisions, as regards settlement and cultivation, have not been, or are not being carried out, and may, on a report of the facts, cancel the entry of such homestead or homesteads:

Provision in case of a cancelled homestead. (1876.)

And in the case of a cancelled homestead, with or without improvements thereon, the same shall not be considered as of right open for fresh entry, but may be held for sale of the land and of the improvements, or of the improvements thereon, in connection with a fresh homestead entry thereof, at the discretion of the Minister of the Interior.

Assignments void.

17. All assignments and transfers of homestead rights before the issue of the patent, except as hereinafter mentioned, shall be null and void, but shall be deemed evidence of abandonment of the right; and the person so assigning or transferring shall not be permitted to make a second entry:

Proviso: for special case. (1874.)

Provided that a person whose homestead may have been recommended for patent by the local agent,—the conditions in connection therewith having been duly fulfilled,—may legally dispose of and convey, assign or transfer his right and title therein.

Homestead to give certain rights. (1876.)

Any person who may have obtained a homestead entry, shall be considered, unless and until such entry be cancelled, as having an exclusive right to the land so entered as against any other person or persons whomsoever, and may

may bring and maintain actions for trespass committed on the said land or any part thereof.

18. The above provisions relating to homesteads shall only apply to agricultural lands; that is to say, they shall not be held to apply to lands set apart as timber limits, or as hay lands, or to those lands on which coal or other valuable mineral is, at the time, known to exist, or to lands valuable for stone or marble quarries, or to those having water power thereon which may be useful for driving machinery. **Certain provisions to apply only to agricultural lands. (1876 and 1879.)**

GRAZING LANDS.

35. The Governor in Council may, from time to time, grant leases of unoccupied Dominion lands for grazing purposes to any person or persons whomsoever, for such term of years and at such rent in each case as may be deemed expedient; but every such lease shall, among other things, contain a condition by which, if it should thereafter be thought expedient by the Minister of the Interior to offer the land covered thereby for settlement, the said Minister may, on giving the lessee two years' notice, cancel the lease at any time during the term. **Special provision as to leases of grazing lands (1876).**

HAY LANDS.

36. Leases of unoccupied Dominion lands, not exceeding in any case a legal subdivision of forty acres, may be granted, for the purpose of cutting hay thereon, to any person or persons whomsoever being *bonâ fide* settlers in the vicinity of such hay lands, for such term and at such rent, fixed by public auction or otherwise, as the Minister of the Interior may deem expedient; but such lease, except as may be otherwise specially agreed upon, shall not operate to prevent, at any time during the term thereof, the sale or settlement of the lands described therein under the provisions of this Act,—the lessee being paid in such case by the purchaser or settler, for fencing or other improvements made on such land, such sum as shall be fixed by the local agent, and allowed to remove any hay he may have made. **Leases of hay lands for purpose of cutting. (1876.)** **Proviso: not to prevent settlement. (1876.)**

MINING LANDS.

37. No reservation of gold, silver, iron, copper, or other mines or minerals shall be inserted in any patent from the Crown granting any portion of the Dominion lands. **Mines or minerals not to be reserved in patents of lands.**

38. Any person or persons may explore for mines or minerals on any of the Dominion lands, surveyed or unsurveyed, and not then marked or staked out and claimed or occupied, and may, subject to the provisions hereinafter contained, purchase the same. **Any person may explore and purchase mining lands.**

29.

Mining lands in surveyed townships to be sold in legal subdivisions.
Those in unsurveyed territory, without the limits of the Fertile Belt, to be sold in blocks, to be called mining locations.
Description of such blocks.

39. Mining lands, if in surveyed townships, may be acquired under the provisions herein contained, and shall be sold in legal subdivisions: when situate in unsurveyed territory and without the limits of the Fertile Belt, such lands shall be sold in blocks to be called mining locations; and every such mining location, except as hereinafter provided, shall be bounded by lines due north and south and due east and west, astronomically; and each such location shall correspond with one of the following dimensions, namely, eighty chains in length by forty in width, containing three hundred and twenty acres,—or forty chains square, containing one hundred and sixty acres,—or forty chains in length by twenty in width, containing eighty acres:

Proviso: as to rich mineral lands.

1. Provided further that in case of certain lands proving to be rich in minerals, the Minister of the Interior shall have the power to withdraw such lands from sale, and in lieu thereof institute a system of lease:

Proviso for rent.

2. The rent payable to the Crown under any such lease shall be a royalty, not to exceed two and a-half per cent. on the net profits of working:

Proviso: sale when no prior right.

3. Provided further, that when there are two or more applicants for the same tract, and a prior right in either or any of the applicants is not established to the satisfaction of the Minister of the Interior, the same may be tendered for by the claimants on stated terms of lease, and sold to the highest bidder:

Further provision for reservation.

4. Provided also that in territory supposed to contain minerals the Minister of the Interior may in his discretion reserve from sale, alternate locations, or quarter-sections, or other legal subdivisions with the view of subsequently offering the same either for sale or lease at public competition.

Mining locations to be surveyed.

40. Mining locations in unsurveyed territory shall be surveyed by a Dominion Land Surveyor, and shall be connected with some known point in previous surveys, or with some other known point or boundary (so that the tract may be laid down on the maps of the territory in the Dominion Lands Office) at the cost of the applicants, who shall be required to furnish, with their application, the surveyor's plan, field notes and description thereof.

Lands supposed to contain minerals, to be sold at the same price as farming lands.
Proviso.

41. No distinction in price shall be made between lands supposed to contain mines or minerals and farming lands, but both classes shall be sold at the uniform price of one dollar per acre; provided that section thirty of this Act as regards offering lands at public sale shall apply to coal and mineral lands also, when the same are in surveyed townships.

42.

42. It shall also be lawful for the Minister of the Interior to exempt from the preceding provisions of this Act, such of the Dominion lands upon or adjoining the banks of rivers or other waters as may be supposed to contain valuable "Bar," "Bench," or "Dry" "Diggings" for gold or other precious metals; and the Governor in Council shall regulate, from time to time, as the same may become necessary and expedient, the nature and size of the claims containing such diggings, and shall fix the terms and conditions upon which the same shall be held and worked, and the royalty payable in respect thereof, and shall appoint and prescribe the duties of such officers as may be necessary to carry out such regulations.

Exemption of certain lands from preceding provisions.

Governor in Council to regulate.

INDIAN TITLE.

43. None of the provisions of this Act respecting the settlement of agricultural lands, or the lease of timber lands, or the purchase and sale of mineral lands, shall be held to apply to territory the Indian title to which shall not at the time have been extinguished.

As to lands still under Indian title.

COAL LANDS.

44. Coal lands designated by the Government as such are hereby withdrawn from the operation of this Act as regards the rights of squatters to homesteads on the Dominion lands in advance of the surveys.

Excepted from homestead claims.

45. The Minister of the Interior shall have power to protect any person or persons desiring to carry on coal mining in unsurveyed territory, in the possession of the lands on which such mining may be carried on,—provided, that before entering on the working of such mines, such person or persons make written application to the local agent to purchase such land; such application must be accompanied by a description by a Dominion Land Surveyor, setting forth generally the situation and the dimensions of such land, and shall also be accompanied by payment of the price thereof, estimating the number of acres (which shall be in the discretion of the Minister, but shall in no case exceed three hundred and twenty) at the rate of one dollar per acre. Such application shall be filed by the agent receiving the same—and on the survey of the township containing the land applied for being effected, the claimant or claimants shall be entitled to a patent for such number of acres, in legal subdivisions, including and covering the mine worked, as shall correspond to the application and to the extent of land paid for:

Provision as to working coal mines.

Filing application.

Patent. (1874.)

Provided that all operations under this section shall be subject to the rights of the Hudson's Bay Company to sections

Proviso: as to H. B. Co.

Further proviso. (1874.) 8 and 26 as hereinbefore enacted: Provided further, that the survey of the township within which such land may be situate, shall not be delayed beyond a period of five years after the date of the purchase of such land, without the consent of the Hudson's Bay Company thereto first had and obtained:

Proviso for continuous working. (1874.) Provided further that such mine shall have been continuously worked, to the satisfaction of the Minister of the Interior, during the interim between the application and the survey; but if the same should at any time during such interim cease to be worked for twelve consecutive months, unless the lands in question be no longer valuable for mining purposes, then the claim of the parties to the land shall lapse, and the mine shall be forfeited to the Crown, together with any and all purchase-money which may have been paid to the Government on account thereof.

Coal lands may be exempted from sale and settlement under this Act. **46.** The Minister of the Interior, with the view of preventing undue monopoly in coal lands, may, in his discretion, on a township being surveyed. exempt from the sale and settlement provisions of this Act, the sections or other legal subdivisions of land which may be said to contain coal, except those on which mining may have been carried on under the next preceding clause; and the same shall be subsequently sold or otherwise dealt with in such manner as may be deemed expedient by the Governor in Council.

TIMBER AND TIMBER LANDS.

TIMBER IN TOWNSHIPS SURVEYED FOR SETTLEMENT.

Timber forming islands or belts in townships thrown open for settlement, to be disposed of so as to benefit the greatest possible number of settlers and prevent petty monopoly, and how. **47.** And whereas it is expedient that the timber forming Islands or Belts in townships thrown open for settlement, should be so disposed of as to benefit the greatest possible number of settlers and to prevent petty monopoly, it is therefore enacted as follows:—

1. The Minister of the Interior may direct that in the subdivision of townships which may consist partly of prairie and partly of timber land, such of the sections or subdivisions of sections containing Islands, Belts, or other tracts of timber, shall be subdivided into such number of wood lots of not less than ten, and not more than twenty acres in each lot, as will afford, so far as the extent of wood land in the township may permit, one such wood lot to each quarter-section prairie farm in such township:

Proviso as to school sections. 2. Provided, that neither the sections and parts of sections in each township vested in the Hudson's Bay Company by this

this Act nor those sections set apart herein for schools, shall be subject in any way to the operation of the next preceding sub-section:

3 The division of such wood lots shall be by squared posts, numbered from one upwards, marked with a marking iron, and planted in the section lines bounding the timber tract so laid out; and each wood lot shall front on a section road allowance: **Marking out wood lots.**

4. Provided, that in case an Island or Belt of timber be found in the survey of any township to lie in a quarter-section or several quarter-sections, but in such manner that no single quarter-section shall have more of such timber than twenty-five acres, such timber shall be taken to be appurtenant to such quarter-section or quarter-sections, and shall not be further divided into wood lots. **Proviso in case of island or belt of timber.**

5. The local agent, as settlers shall apply for homestead rights in the township, and in the same order as such applications shall be made, shall, if so requested, apportion a wood lot to each quarter-section so applied for, not having thereon more than ten acres of timber; and such wood lot shall be paid for by the applicant at the rate of one dollar per acre, and shall be entered on the local agent's books and be returned by him as in connection with the homestead so entered; and on such homestead claimant fulfilling all the requirements of this Act in that behalf, but not otherwise, a patent shall issue to him for such wood lot: Provided always, that any person to whom a wood lot was apportioned in connection with a homestead under the provisions of sub-section five of section forty-six of *The Dominion Lands Act of* 1872, having duly fulfilled the conditions of such homestead grant required by the said Act, shall receive a patent for such wood lot as a free grant, as provided in the said sub-section, notwithstanding the repeal of the said sub-section by the Act of 1874: Provided further, that the cancellation of a homestead shall carry with it the cancellation of the wood lot which may have been apportioned thereto, and also the forfeiture of the purchase money of such wood lot: **Apportionment of wood lots to settlers. (1874.)** **Proviso: wood lots to be free grants in certain cases. (1879.)** **Proviso. (1876 & 1879.)**

6. Provided, that any homestead claimant, who, previous to the issue of the patent shall sell any of the timber on his claim or on the wood lot appertaining to his claim, to saw-mill proprietors or to any other than settlers for their own private use, without having previously obtained permission so to do from the Minister of the Interior, shall be guilty of a trespass, and may be prosecuted therefor before a Justice of the Peace, and upon conviction thereof, shall be subject to a fine or imprisonment, or both; and further, such person shall forfeit his claim absolutely. **Proviso: against sale of timber to saw-millers, &c. (1872 & 1879.)**

TIMBER

TIMBER AND TIMBER LANDS.

Reservation of timber lands.

48. Any tract of land covered by forest timber may be set apart as timber lands, and reserved from sale and settlement.

Timber limits.

49 Except where it may be thought expedient by the Minister of the Interior to divide a township into two or more timber limits, the several townships composing any such tract shall each form a limit.

Word "timber" defined.

50. In the enactments and provisions under the present heading, *Timber and Timber Lands*, the word "timber" includes all lumber, and all products of timber hereinafter mentioned, or of any other kind whatever, including firewood or bark.

Right of cutting to be sold.

51. The right of cutting timber on such limits shall be put up at a bonus per square mile, varying according to the situation and value of the limit, and sold to the highest bidder by competition, either by tender or at public auction.

Purchaser to have lease.

52. The purchaser shall receive a lease granting the right of cutting timber on the land for twenty-one years, and containing the following conditions, with such others as shall have been embodied in the notice of sale, that is to say :—

Conditions of lease.

Mills.

1. The lessee to erect a sawmill or mills in connection with such limit and lease, and subject to any special conditions which may be agreed upon and stated in the lease,—such mill or mills to be of capacity to cut at the rate of a thousand feet, board measure, in twenty-four hours, for every two and a half square miles of limits in the lease, or shall establish such other manufactory of wood goods as may be agreed upon as the equivalent of such mill or mills, and the lessee to work the limit, in the manner and to the extent provided in the lease, within two years from the date thereof, and during each succeeding year of the term ;

To take all timber.

2 To take from every tree he cuts down all the timber fit for use, and manufacture the same into sawn lumber or some other such saleable product as may be provided in the lease or by any regulations made under this Act ;

To prevent destruction.

3. To prevent all unnecessary destruction of growing timber on the part of his men, and to exercise strict and constant supervision to prevent the origin or spread of fires ;

To make monthly returns.

4. To make returns to the Government monthly, or at such other periods as may be required by the Minister of the Interior, or by regulations under this Act, sworn to by him or by his agent or employee, cognizant of the facts, declaring the quantities sold or disposed of as aforesaid, of all sawn lumber,

lumber, timber, railway-car stuff, ship timbers and knees, shingles, laths, cordwood or bark, or any other product of timber from the limit, in whatever form the same may be, sold or otherwise disposed of by him during such month or other period, and the price or value thereof;

5. To pay, in addition to the bonus, an annual ground rent of two dollars per square mile, and further a royalty of five per cent. on his monthly account; **Rent.**

6. To keep correct books of such kind and in such form as may be provided by his lease or by regulation under this Act, and to submit the same for the inspection of the collector of dues whenever required, for the purpose of verifying his returns aforesaid. **To keep books.**

7. The lease shall describe the lands upon which the timber may be cut, and shall vest in the lessee during its continuance, the right to take and keep exclusive possession of the lands so described, subject to the conditions hereinbefore provided or referred to; and such lease shall vest in the holder thereof all right of property whatsoever in all trees, timber, lumber, and other products of timber cut within the limits of the lease during the continuance thereof, whether such trees, timber and lumber or products be cut by authority of the holder of such lease or by any other person, with or without his consent; and such lease shall entitle the lessee to seize in replevin, revendication or otherwise, as his property, such timber where the same is found in the possession of any unauthorized person, and also to bring any action or suit, at law or in equity, against any party unlawfully in possession of any such timber, or of any land so leased, and to prosecute all trespassers thereon and other such offenders as aforesaid, to conviction and punishment, and to recover damages, if any: and all proceedings pending at the expiration of any such lease may be continued and completed as if the lease had not expired. **Rights of the lessee.**

8. Such lease shall be subject to forfeiture for infraction of any one of the conditions to which it is subject, or for any fraudulent return; and in such case the Minister of the Interior shall have the right, without any suit or other proceeding at law or in equity, or compensation to the lessee, to cancel the same, and to make a new lease or disposition of the limit described therein, to any other party, at any time during the term of the lease so cancelled: Provided, that the Minister of the Interior, if he sees fit, may refrain from forfeiting such lease for non-payment of dues, and may enforce payment of such dues in the manner hereinafter provided. **Forfeiture of the lease.**

9. The lessee who faithfully carries out the above conditions shall have the refusal of the same limits, if not required **Renewal of lease.**

required for settlement, for a further term not exceeding twenty-one years, on payment of the same amount of bonus per square mile as was paid originally, and on such lessee agreeing to such conditions, and to pay such other rates as may be determined on for such second term:

Leases to cut timber on unsurveyed lands.

10. Provided, that in cases where application may be made for limits on which to cut timber in unsurveyed territory, the Governor in Council may, on the recommendation of the Minister of the Interior, authorize the same to be leased for such bonus as may be deemed fair and reasonable, —such leases to be subject nevertheless to the foregoing conditions of this section, except as to that part of sub-section one, which provides for the erection of mills, which provision, in respect to limits in unsurveyed territory may, if considered expedient by the Minister of the Interior, be dispensed with:

What may be considered surveyed territory.

Leases of unsurveyed, from year to year. (1879.)

Provided also, that territory in which the block outlines only of townships may have been run and marked, shall be considered surveyed territory for the purposes of this section; and provided further, that the Governor in Council may, on the recommendation of the Minister of the Interior, in special cases where the same may be deemed expedient, grant licenses in either surveyed or unsurveyed territory, as the case may be, to cut timber for one year, and renewable from year to year, in the discretion of the Minister of the Interior, at such ground rent as the Minister may deem fair and reasonable,—such license to be subject in all respects to the other provisions of this section, except where the same may be inconsistent herewith.

Lease of land previously leased, sold, granted or set apart to be void.

53. If, in consequence of any incorrectness in survey, or other error or cause whatsoever, a lease is found to comprise lands included in one of prior date, or any lands sold, granted, leased or lawfully set apart for any other purpose under this Act, the lease first mentioned shall be void in so far as it interferes with any such previous lease, sale, grant or setting apart.

FURTHER OBLIGATIONS OF PARTIES OBTAINING LICENSES.

Dues to the Crown to bear interest and be a lien on timber cut on limits. Such timber may be seized and sold in payment.

54. Any ground-rent, royalty or other dues to the Crown, on timber cut within any such limit, which are not paid at the time when they become due and payable, shall bear interest at the rate of six per cent. per annum, until paid, and shall be a lien on any timber cut within such limits. And whenever the ground-rent on any limit, or any royalty on any timber is not paid within three months after it becomes due under the lease or regulations in that behalf, the Crown timber agent may, with the sanction of the Minister of the Interior, seize so much of the timber cut on such limits,

limits, and in the possession of the lessee or on his premises, whether sold or unsold, as will in his opinion be sufficient to secure the payment of such rent and royalty on the timber seized, and all interest and expenses of seizure and sale, and may detain the same as security for the payment thereof; and if such payment be not made within three months after such seizure, the Crown timber agent may, with such sanction as aforesaid, sell such timber by public auction, and after deducting the sum due to the Crown, the interest thereon and expenses aforesaid, he shall pay over the balance, if any, to the lessee or owner of the timber.

55. All timber cut under lease shall be liable for the payment of the Crown dues thereon, so long as and wheresoever the said timber or any part of it may be found, —whether it be or be not manufactured into deals, boards or any other products; and all officers or agents employed in the collection of such dues may follow all such timber and may seize and detain the same wherever they are found until the dues thereon are paid or secured, and if payment be not made or secured within three months after such seizure, the timber may be sold by the Crown agent, and the proceeds disposed of as provided by the next preceding section. **Timber cut under lease liable for dues.**

56. And in case the payment of the Crown dues on any timber has been evaded by any lessee or other party, by the removal of such timber or products out of Canada, or otherwise, the amount of dues so evaded, and any expenses incurred by such officer or the Government in enforcing payment of the said dues under this Act, may be added to the dues remaining to be collected on any other timber cut on Dominion lands by the same lessee or by his authority, and be levied and collected or secured, on such timber, together with such last-mentioned dues, in the manner provided by section fifty-four; or the amount due to the Crown, of which payment has been evaded, may be recovered by action at law, in the name of the Minister of the Interior or his resident agent, in any court having jurisdiction in civil cases to the amount. **Enforcement of payment in case of removal of timber out of Canada.**

57. The Minister of the Interior may, in his discretion take or authorize the taking of bonds or promissory notes for any money due to the Crown, interest and costs, as aforesaid, or for double the amount of all dues, fines and penalties and costs, incurred or to be incurred, and may then release any timber upon which the same would be leviable, whether under seizure or not; but the taking of such bonds or notes shall not affect the lien and right of the Crown to enforce payment of such money on any other timber cut on the same limit, if the sums for which such bonds or notes are given are not paid when due. **Bonds may be taken for dues, without prejudice to lien.**

LIABILITY

LIABILITY OF PERSONS CUTTING WITHOUT AUTHORITY.

Penalty for cutting timber without authority, on Dominion Lands.

58. If any person without authority cuts, or employs or induces any other person to cut or assist in cutting, any timber of any kind, on any Dominion lands wheresoever situate, or removes or carries away, or employs or induces, or assists any other person to remove or carry away any timber of any kind, so cut from any Dominion lands as aforesaid, he shall not acquire any right to the timber so cut, or any claim for remuneration for cutting the same, preparing the same for market, or conveying the same to or towards market; and when the timber has been removed out of the reach of the Crown timber officers, or it is otherwise found impossible to seize the same, he shall, in addition to the loss of his labour and disbursements, forfeit a sum not exceeding three dollars for each tree, which, or any part of which he is proved to have cut or carried away; and such sum shall be recoverable with costs, at the suit and in the name of the Crown, in any court having jurisdiction in civil matters to the amount of the penalty,—and in all such cases the burden of proof of his authority to cut and take the timber shall lie on the party charged, and the averment of the party seizing or prosecuting, that he is duly employed under the authority of this Act, shall be sufficient proof thereof, unless the defendant proves the contrary.

Seizure on affidavit.

1. Whenever satisfactory information, supported by affidavit made before a Justice of the Peace, or before any other competent officer or person, is received by any Crown timber officer or agent, that any timber has been cut without authority on Dominion Lands, and describing where the same can be found,—or if any Crown timber officer or agent, from other sources of information, or his own knowledge, is aware that any timber has been cut without authority on such lands, the said agent, or officer, or either of them, may seize or cause to be seized in Her Majesty's name, the timber so reported or known to be cut, wherever it is found, and place the same under proper custody, until a decision can be had in the matter by competent authority:

If the timber has been mixed with other timber.

2. And where the timber so reported or known to have been cut without authority, has been made up with other timber into a crib, dram, or raft, or in any other manner has been so mixed up at any mill or elsewhere, as to render it impossible or very difficult to distinguish the timber so cut without authority, from other timber with which it is mixed up, the whole of the timber so mixed shall be held to have been cut without authority, and shall be liable to seizure and forfeiture accordingly, until satisfactorily separated by the holder.

3.

3. In case any timber cut without authority on Dominion lands, or any product thereof, is seized under the provisions of this Act, by any Crown Timber Agent or Officer, he may allow such timber or product thereof to be removed and disposed of, on receiving sufficient security, by bond or otherwise, to his satisfaction for the full value thereof, or for payment of double the amount of all dues, fines, penalties and costs incurred or imposed thereon, as the case may be.

Timber may be released on security given.

RESISTING SEIZURE—REMOVING TIMBER SEIZED—CONDEMNATION OF SUCH TIMBER.

59. Any officer or person seizing timber in the discharge of his duty under this Act may, in the name of the Crown, call in any assistance necessary for securing and protecting the timber so seized; and if any person under any pretence, either by assault, force or violence, or by threat of such force or violence, in any way resists or obstructs any officer or person acting in his aid, in the discharge of his duty under this Act, such person shall be guilty of felony, and being convicted thereof, shall be punishable accordingly.

Officer seizing may call in assistance.

60. If any person, whether pretending to be the owner or not, either secretly or openly, and whether with or without force or violence, takes or carries away, or causes to be taken and carried away without permission of the officer or person who seized the same or of some competent authority, any timber seized and detained for any lawful cause under this Act, before the same has been declared by competent authority to have been seized without due cause, such person shall be deemed to have stolen such timber, being the property of the Crown, and to be guilty of felony, and being convicted thereof, shall be punishable accordingly.

Carrying away timber seized, without permission, a felony.

61. All timber seized under this Act on behalf of the Crown as being forfeited, shall be deemed to be condemned, unless the person from whom it was seized, or the owner thereof, within one month from the day of the seizure, gives notice to the seizing officer, or to the Crown timber agent or officer, under whose authority the seizure was made, that he claims or intends to claim the same; pending which the officer or agent seizing shall report the facts to the Minister of the Interior, who may order the sale of the said timber, by the said officer or agent, after a notice on the spot, or at the residence or office of the person from whom it was seized, of at least thirty days; or if, within fifteen days after the claim has been put in, the claimant shall not have instituted proceedings before a court of competent jurisdiction to contest the seizure; or if the decision of the court be against him; or should the claimant fail duly to prosecute such proceedings in the opinion of the judge before whom such case may be

Timber seized as forfeited shall be deemed to be condemned in default of owner claiming it within one month.

be tried (and who may for that cause dismiss the suit on the expiration of three months from the date on which it was instituted,—anything to the contrary hereinbefore enacted notwithstanding), the timber may be confiscated and sold for the benefit of the Crown, by order of the Minister of the Interior, after a notice on the spot of at least thirty days:

Proviso.

Minister may impose and receive a penalty in addition in certain cases. (1872 & 1879.)

Provided, nevertheless, that in certain cases of timber being ascertained to have been cut without authority on any of the Dominion lands, or admitted to have been so cut by the holder thereof, the Minister of the Interior, should he see cause for doing so, may impose and receive for the Crown a fine or penalty, to be levied on such timber, in addition to all costs incurred, and in default of such fine or penalty and costs being paid forthwith, may sell such timber by public sale after a notice of fifteen days, and may retain the whole proceeds of such sale, or the amount of the penalty and costs only, at the discretion of the Minister of the Interior.

GENERAL PROVISIONS.

In absence of satisfactory explanation timber may be seized for dues as cut without authority.

62. Whenever any Crown timber agent, or other officer or agent of the Minister of the Interior is in doubt as to whether any timber has, or has not, been cut without authority, or is, or is not, liable to Crown dues on the whole or any part thereof, he may enquire of the person or persons in possession or in charge of such timber, as to when and where the same was cut: and if no satisfactory explanation, on oath or otherwise, as he may require, be given to him, he may seize and detain such timber until proof be made to the satisfaction of the Minister of the Interior, or of such Crown timber agent or officer, that such timber has not been cut without authority, and is not liable, either in whole or in part, to Crown dues of any kind; and if such proof be not made within thirty days after such seizure, such timber may be dealt with as timber cut without authority, or on which the Crown dues have not been paid according to the circumstances of the case, and the dues thereon may be recovered as provided in the fifty-fourth section.

The burden of proof where timber was cut, or of payment of dues, to lie on the owner or claimant.

63. And whenever any timber is seized for non-payment of Crown dues, or for any cause of forfeiture, or any prosecution is brought for any penalty or forfeiture under this Act, and any question arises whether the said dues have been paid on such timber, or whether the said timber was cut on other than any of the Dominion lands aforesaid, the burden of proving payment, or on what land the said timber was cut, shall lie on the owner or claimant of such timber, and not on the officer who seizes the same, or the party bringing such prosecution.

SLIDES,

SLIDES, &c.

64. No sale or grant of any Dominion lands shall give or convey any right or title to any slide, dam, pier or boom, or other work, for the purpose of facilitating the descent of timber or saw-logs, previously constructed on such land, or on any stream passing through or along such land, unless it be expressly mentioned in the letters patent or other documents establishing such sale or grant, that such slide, dam pier or boom, or other work, is intended to be thereby sold or granted.

Right to slides, &c., not to be affected by sales or grants of land unless expressly mentioned.

1. The free use of slides, dams, piers, booms or other works on streams, to facilitate the descent of lumber and saw-logs, and the right of access thereto for the purpose of using the same and keeping them in repair, shall not in any way be interrupted or obstructed by or in virtue of any sale or grant of Dominion lands made subsequent to the construction of such works.

Free use of slides not affected.

65. The free use, for the floating of saw-logs and other timber rafts and drams, of all streams and lakes that may be necessary for the descent of timber from Dominion lands, and the right of access to such streams and lakes, and of passing and repassing on or along the land on either side thereof, and wherever necessary for such use thereof, and over all existing or necessary portage roads past any rapids or falls, or connecting such streams or lakes, and over such roads, other than road allowances, as owing to natural obstacles, may be necessary for the taking out timber or saw-logs from Dominion lands, and the right of constructing slides where necessary, shall continue uninterrupted, and shall not be affected or obstructed by, or in virtue of, any sale or grant of such lands

Free use of streams and lakes not affected.

FOREST TREE CULTURE.

66. Any person, male or female, being a subject of Her Majesty by birth or naturalization, and having attained the age of eighteen years, shall be entitled to be entered for one legal sub-division, not in any case, however, exceeding one hundred and sixty acres, of unappropriated Dominion lands as a claim for forest tree planting.

Entry for tree planting. (1876 & 1879.)

67. Application for such entry shall be made in Form F in the schedule hereto, and the person so applying shall make an affidavit before the local agent according to Form G in the schedule hereto, and shall pay at the time of applying an office fee of ten dollars, in case such legal sub-division is one of one hundred and sixty acres, or of five dollars, in case such legal sub-division is one of eighty acres, or of two and a-half dollars, in case such legal sub-division is one of forty acres,

Form of applications, affidavit and fee. (1876 & 1879.)

acres, for which fee he or she shall receive a receipt and also a certificate of entry, and shall thereupon be entitled to enter into possession of the land.

When only patent may issue. (1876 & 1879.)

68. No patent shall issue for the land so entered until the expiration of eight years from the date of entering into possession thereof; and any assignment of such land shall be null and void unless permission to make the same shall have been previously obtained from the Minister of the Interior.

Patent after six years on certain conditions. (1876 & 1879.)

69. At the expiration of eight years or at any time within five years after the expiration of the said term, as hereinafter provided, the person who obtained the entry, or, if not living, his or her legal representative or assigns, shall receive a patent for the land so entered on proof to the satisfaction of the local agent as follows:—

Five acres to be broken up.

1. That five acres of the land so entered, in case the same consists of a legal sub-division of one hundred and sixty acres, shall be broken or ploughed the first year after entry, and an equal quantity during the second year after entry;

And planted.

2. That the five acres of the land entered, which have been broken or ploughed during the first year, shall be cultivated to crop during the second year, and the five acres broken or ploughed during the second year shall be cultivated to crop during the third year;

Cultivating the timber.

3. That the five acres broken or ploughed during the first year, and cultivated to crop during the second year as above provided, shall be planted in trees, tree-seeds or cuttings during the third year, and the five acres broken or ploughed during the second year, and cultivated to crop during the third year as above provided, shall be planted in trees, tree-seeds or cuttings during the fourth year:

Proviso.

Provided that in cases where the land entered consists of a legal sub-division less than one hundred and sixty acres, then the respective areas requiring to be broken or ploughed, cultivated to crop and planted, under this sub-section and the two sub-sections next preceding, shall be proportionately less in extent:

Proviso.

Provided also, that the Minister of the Interior, in his discretion, and on his being satisfied that any trees, tree-seeds, or cuttings, may have been destroyed from any cause not within the control of the person holding the tree-claim, may grant an extension of time for carrying out the provisions of the three sub-sections next preceding:

Proviso.

Provided also, that at the expiration of the said term of eight years, or at any time within five years thereafter, the person

person obtaining such tree-claim, on proving to the satisfaction of the Minister of the Interior that he or she has planted not less than two thousand seven hundred trees on each acre of the portion broken or ploughed and cultivated to crop as hereinbefore provided, and that at the time of applying for a patent for the tree-claim, there are then growing thereon at least six hundred and seventy-five living and thrifty trees to each acre, the claimant shall receive a patent for the legal sub-division entered.

70. If at any time the claimant fails to do the breaking up or planting or either, as required by this Act, or any part thereof, or fails to cultivate, protect and keep in good condition, such timber, then and upon such event the land entered shall be liable to forfeiture in the discretion of the Minister of the Interior, and may be dealt with in the same manner as homesteads which may have been cancelled for non-compliance with the law as set forth in sub-section sixteen of section thirty-three of this Act: **Forfeiture for non-compliance with conditions.**

71. Provided that no person who may have obtained pre-emption entry of a quarter-section of land in addition to his homestead entry under the provisions of sub-section one, of section thirty-four of this Act, shall have the right to enter a third quarter-section as a tree planting claim; but such person, if resident upon his homestead, may have the option of changing the pre-emption entry of the quarter-section, or of a less quantity of such quarter-section, for one under the foregoing provisions, and on fulfilling the preliminary conditions as to affidavit and fee, may receive a certificate for such quarter section, or for such quantity thereof as may have been embraced in the application; and thereupon the land included in such change of entry shall become subject in all respects to the provisions of this Act relating to tree planting. **Proviso: who may not obtain land for planting.** **Option of changing pre-emption entry. (1876.)**

72. Any person who may have been entered for a tree planting claim under the foregoing provisions, and whose right may not have been forfeited for non-compliance with the conditions thereof, shall have the same rights of possession, and to eject trespassers from the land entered by him, as are given to persons on homesteads under sub-section seventeen of section thirty-four of this Act; and the title to land entered for a tree planting claim shall remain in the Government until the issue of a patent therefor, and such land shall not be liable to be taken in execution before the issue of the patent. **Rights of persons entered for tree planting. (1876.)**

73. Persons who may have been entered under the provisions of the Act thirty-nine Victoria, chapter nineteen, for land as a claim for tree-planting, may, if they choose to do so, avail themselves of the provisions of this Act in that behalf. **And under former Act. (1879.)**

PATENTS.

PATENTS.

Deputy Governor for signing patents.

74. A Deputy Governor may be appointed by the Governor General, who shall have the power in the absence or under instructions of the Governor General, to sign letters patent of Dominion lands; and the signature of such Deputy Governor to such patents, shall have the same force and virtue as if such patents were signed by the Governor General.

Patent issued in error may be cancelled.

75. Whenever a patent has been issued to or in the name of a wrong party or contains any clerical error, misnomer or wrong or defective description of the land thereby intended to be granted, or there is in such patent an omission of the conditions of the grant, the Minister of the Interior may (there being no adverse claim) direct the defective patent to be cancelled and a correct one to be issued in its stead, which corrected patent shall relate back to the date of the one so cancelled and have the same effect as if issued at the date of such cancelled patent.

Remedy in cases of sales or patents inconsistent with each other.

76. In all cases in which grants or letters patent have issued for the same land, inconsistent with each other, through error, and in all cases of sales or appropriations of the same land inconsistent with each other, the Minister of the Interior may order a new grant equivalent in value to the land of which any grantee or purchaser is thereby deprived, at the time the same was granted; or may, in cases of sale, cause repayment to be made of the purchase-money with interest; or when the land has passed from the original purchaser, or has been improved before the discovery of the error, or when the original grant was a free grant, the Minister of the Interior may assign land or grant a certificate entitling the party to purchase Dominion lands of such value as to him, the Minister of the Interior, may seem just and equitable under the circumstances; but no claim under this clause shall be entertained unless it is preferred within five years after the discovery of the error.

Remedy in case of deficiency of quantity mentioned in patent.

77 Whenever by reason of false survey, or error in the books or plans of the Dominion Lands Office, any grant, sale or appropriation of land is found to be deficient, the Minister of the Interior may order a free grant equal in value to the ascertained deficiency at the time such land was granted or sold; or in case any parcel of land contains less than the quantity of land mentioned in the patent therefor, the Minister of the Interior may order the purchase-money of so much land as is deficient, with interest thereon at the rate of six per centum per annum, from the time of the application therefor, to be paid back to the purchaser; or if the land has passed from the original purchaser, then the purchase-money which the claimant (provided he

he was ignorant of the deficiency at the time of his purchase) has paid for so much of the land as is deficient, with interest thereon, from the time of the application therefor, to be paid to him in land or in money, as he, the Minister of the Interior, may direct: or, in case of a free grant, he may order a grant of other land, equal in value to the land so intended as a free grant, at the time such grant was made; but no such claim shall be entertained unless application has been made within five years from the date of the patent, nor unless the deficiency is equal to one-tenth of the whole quantity described as being contained in the particular lot or parcel of land granted.

Proviso.

78. In all cases wherein patents for lands have issued through fraud, or in error, or improvidence, any court having competent jurisdiction in cases respecting real property in the Province or place where such lands are situate, may, upon action, bill or plaint respecting such lands and upon hearing of the parties interested, or upon default of the said parties after such notice of proceeding as the said court shall order, decree such patent to be void; and upon the registry of such decree in the office of the Registrar-General of the Dominion, such patent shall be void to all intents.

Patents issued through fraud, or in error or improvidence may be decreed to be void.

79. When any settler, purchaser or other person refuses or neglects to deliver up possession of any land after forfeiture of the same under the provisions of this Act, or whenever any person is wrongfully in possession of Dominion land, and refuses to vacate or abandon possession of the same, the Minister of the Interior may apply to a judge of any court having competent jurisdiction in cases respecting real property in the Province or place in which the land lies, for an order in the form of a writ of ejectment or of *habere facias possessionem*; and the said judge, upon proof to his satisfaction that such land was so forfeited, and should properly revert to the Crown, shall grant an order upon the settler or person or persons in possession, to deliver up the same to the Minister of the Interior or person by him authorized to receive such possession; and such order shall have the same force as a writ of *habere facias possessionem*, and the Sheriff shall execute the same in like manner as he would execute the said writ in an action of ejectment or petitory action.

Remedy in case of refusal to deliver up possession of forfeited land or to vacate land wrongfully held

80. The Minister of the Interior shall keep a book for registering, at the option of the parties interested, any assignment of rights to Dominion lands which are assignable under this Act, upon proof to his satisfaction that such assignment is in conformity with this Act; and every assignment so registered shall be valid against any other previously made but subsequently registered, or unregistered; but any assignment to be registered must be unconditional, and

Assignments of Dominion lands to be registered.

and all conditions on which the right depends must have been performed, or dispensed with by the Minister of the Interior before the assignment is registered.

Patent may issue in favor of legal representative of party dying entitled thereto.

81. On any application for a patent by the heir, assignee, devisee or legal representative of a party dying entitled to such patent, the Minister of the Interior may receive proof of the facts in such manner as he may see fit to require, and upon being satisfied that the claim has been justly established may allow the same and cause a patent to be issued accordingly: but nothing in this section shall limit the right of the party claiming a patent to make his application as provided for in section twenty-six of this Act.

Entry receipt, &c., to give right to maintain suits. (1879.)

82. Every entry receipt or certificate issued by an agent of Dominion Lands shall, unless such entry shall have been revoked or cancelled by the Minister of the Interior, entitle the person to whom the same was granted to maintain suits at law or in equity against any wrong doer or trespasser on the lands so entered, as effectually as he could do under a patent of such land from the Crown.

SURVEYS AND SURVEYORS.

WHO SHALL BE COMPETENT TO SURVEY THE DOMINION LANDS.

Qualifications required of Dominion Land Surveyors.

83. No person shall act as surveyor of Dominion lands unless he shall, before the fourteenth day of April, 1872, have been duly qualified by certificate, diploma or commission, to survey the Crown lands in some one of the Provinces of the Dominion, or shall have become qualified under the provisions hereinafter set forth.

Official name. (1872 & 1874.)

1. Persons qualified under the said provisions shall be styled "*Dominion Land Surveyors*," or "*Dominion Topographical Surveyors*," as the case may be.

BOARD OF EXAMINERS.

To consist of Surveyor General and eight colleagues.

84. There shall be a Board of Examiners for the examination of candidates for commissions as Dominion Land Surveyors, or as articled pupils, to consist of the Surveyor General and eight other competent persons to be appointed from time to time by Order in Council, and the meetings of the board shall commence on the second Monday in the months of May and November in each year, and may be adjourned from time to time; and the place of meeting shall be at Ottawa, or at some place in Manitoba or the North-West Territories, as the same shall, from time to time, be fixed, and made public by notice in the *Canada Gazette*.

Meetings.

1.

1. Each member of the said board shall take an oath of office according to form C, to be administered by a judge of any one of the superior courts in any Province in the Dominion, who is hereby authorized and required to administer such oath; and any three of the said members shall form a quorum. Members to be sworn.

2. The said board shall, from time to time, appoint a fit and proper person to be secretary thereof, who shall keep a record of its proceedings. Secretary. (1872 & 1876.)

85. No person shall be admitted as an articled pupil with any Dominion land surveyor unless he has previously passed an examination before the Board of Examiners, or before one of the members thereof, or before some surveyor deputed by the board for the purpose, as to his ability to write English correctly, and also as to his knowledge of vulgar and decimal fractions, the extraction of the square and cube roots, of the first three books of Euclid, the rules of plane trigonometry, the mensuration of superficies and use of logarithms, and has obtained a certificate of such examination and of his proficiency from such board. Examination for articles as pupils.

86. Applicants for such examination, previous to being articled, shall give notice to the secretary of the board of their desire to present themselves for examination; whereupon such officer shall instruct them accordingly as to the mode in which they must proceed. Notice to Secretary. (1876.)

87. Any Dominion land surveyor may, by an instrument in writing, transfer a pupil, with his own consent, to any other Dominion Land Surveyor, with whom such pupil may serve the remainder of his term. Transfer of a pupil.

88. If any Dominion Land Surveyor dies or leaves the Dominion, or is suspended or dismissed, his pupil may complete his term under articles, as aforesaid, with any other Dominion Land Surveyor. Completion of term with another master.

89. Articled pupils must transmit to the secretary of the board within three months of the date of their articles, a duplicate thereof, together with a fee of two dollars for receiving and filing the same; and the said secretary shall acknowledge the receipt of such papers, and shall carefully file and keep the same with the records of the board. Duplicate of articles of clerkship to be transmitted to Secretary within three months after their date.

90. No pupil shall be entitled to be examined before such board unless he shall have previously served regularly and faithfully for and during the period of three successive years, under articles in writing, in the form D, duly executed before two witnesses, as pupil to a Dominion Land Surveyor, nor Conditions precedent to examination for commission.

nor unless he shall produce a certificate from such surveyor of his having so served during the said period, and shall also produce satisfactory testimony as to his character for probity and sobriety.

As to admission of persons commissioned as surveyors of Crown Lands in any Province on certain conditions.

91. Any person who, subsequently to the fourteenth day of April, one thousand eight hundred and seventy-two, shall have been duly qualified by certificate, diploma or commission, to survey lands in any Province of the Dominion, in which, in order to be so qualified, a course of study, including the subjects prescribed by section ninety-five is required by the law of such Province, shall be entitled to obtain, without being subjected to any examination other than as regards the system of survey of Dominion lands, a commission as Dominion Land Surveyor: Provided that it shall rest with the Board of Examiners to decide whether the qualifications required of a surveyor of Crown lands in such Province are sufficiently similar to those set forth in the said section ninety-five of this Act, to entitle him, under the foregoing provisions, to such commission: And provided further, that it must be shown that such Province has reciprocated the privilege hereby granted, by granting to Dominion Land Surveyors, on their application, and without subjecting them to an examination except as regards a knowledge of the survey laws of such Province, diplomas, certificates or commissions, as the case may be, as surveyors of lands within such Province.

Proviso: Board to judge of qualification in such Province.

Proviso for reciprocity of admission by such Province.

Examination in certain cases. (1879.)

Land surveyors holding diplomas, certificates or commissions for Provinces of the Dominion in which the qualifications required by law for surveyors, are not similar to those prescribed by this Act, must undergo examination by the Board, and satisfactorily pass the same, in order to obtain commissions as Dominion Land Surveyors.

Surveyors in H. M. Dominions, other than Canada, entitled to examination after six months' practice.

92. Any person who may have been duly admitted as a surveyor of lands in any part of Her Majesty's Dominions other than Canada, shall be entitled to an examination by the said board, and to a commission, if found qualified, on his producing a written certificate of a Dominion Land Surveyor, that such person has within the previous two years served for one year with him continuously engaged in surveying the Dominion lands, and that he considers such person as in every way qualified to pass an examination for a commission as a Dominion Land Surveyor.

Graduates of Colleges may be examined after one year's service. (1872 & 1879.)

93. Any person who shall have followed a regular course of study in all the branches of education required by this Act for admission as a Dominion Land Surveyor through the regular sessions for at least two years, in any college or university where there may be organized a complete course of such instruction, and who has thereupon received from such college

college or university a certificate, diploma or degree, vouching therefor, shall not be obliged to serve three years as aforesaid, but shall be entitled to examination after one year's service under articles with a Dominion Land Surveyor.

94. Every person desiring to be examined before the said board shall give due notice thereof in writing to the secretary at least one month previous to the meeting of the board, enclosing with such notice the fee hereinafter prescribed. Notice to Secretary. Fee. (1872 & 1879.)

95. No person shall receive a commission from the said board authorizing him to practise as a Dominion Land Surveyor until he has attained the full age of twenty-one years and has passed a satisfactory examination before the said board on the following subjects: that is to say:—Euclid, first four books, and propositions first to twenty-first of the sixth book; plane trigonometry, so far as it includes solution of triangles; the use of logarithms, mensuration of superficies, including the calculation of the area of right-lined figures by latitude and departure, and the dividing or laying off land; a knowledge of the rules for the solution of spherical triangles, and of their use in the application to surveying of the following elementary problems of practical astronomy:— Examination for admission as Surveyor. (1876.) In Mathematics. (1876.)

1. To ascertain the latitude of a place from an observation of a meridian altitude of the sun or of a star; In practical astronomy. (1876)

2. To obtain the local time and the azimuth, from an observed altitude of the sun or a star;

3. From an observed azimuth of a circumpolar star, when at its greatest elongation from the meridian, to ascertain the direction of the latter:

He must be practically familiar with surveying operations and capable of intelligently reporting thereon, and be conversant with the keeping of field notes, their plotting and representation on plans of survey, the describing of land by metes and bounds for title, and with the adjustments and methods of use of ordinary surveying instruments, and must also be perfectly conversant with the system of survey as embodied in the "*Dominion Lands Acts*," and with the manual of standing instructions and regulations published from time to time for the guidance of Dominion Land Surveyors. Surveying operations and use of instruments. (1876) System of Dominion surveys. (1876.)

96. The board may examine any candidate on oath (which oath may be administered by any one of the examiners) as to his actual practice in the field, and with regard to his instruments. Board may examine on oath.

97.

Successful candidates to receive commission; and give security and take oath of office.

97. Each person passing the examination prescribed by this Act shall receive a commission from the board in accordance with Form E in the schedule to this Act constituting him a Dominion Land Surveyor, and shall, jointly and severally with two sufficient sureties to the satisfaction of the board, enter into a bond in the sum of one thousand dollars, to Her Majesty, Her Heirs and Successors, conditioned for the due and faithful performance of the duties of his office, and shall take and subscribe the oath of allegiance, and the following oath, before the Board of Examiners,—any one of whom is hereby empowered to administer the same:—

The oath.

"I, , do solemnly swear (*or* affirm, *as the case may be*) that I will faithfully discharge the duties of a Dominion Land Surveyor according to law, without favour affection or partiality. So help me God."

1. Until the above formalities shall have been gone through the said commission of Dominion Land Surveyor shall have no effect:

2. The said oaths of allegiance and of office shall be deposited in the Dominion Lands Office:

Deposit of bond.

3. The said bond shall be deposited and kept in the manner prescribed by law with regard to the bonds given for the like purposes by other public officers of the Dominion, and shall be subject to the same provisions, and shall enure to the benefit of any party sustaining damage by breach of any condition thereof; and the commission shall be registered in the office of the Registrar-General of the Dominion.

Voluntary examination in higher branches of study. (1876 & 1879.)

98. Any person entitled to receive or already possessing a commission as Dominion Land Surveyor and having previously given the notice prescribed in section ninety-four of this Act, may be examined as to the knowledge he may possess of the following subjects relating to the higher surveying, qualifying him for the prosecution of extensive governing or topographic surveys or those of geographic exploration, that is to say:—

1. Algebra, including quadratic equations, series, and calculation of logarithms;

2. The analytic deduction of formulas of plane and spherical trigonometry;

3. The plane co-ordinate geometry of the point, straight line the circle and ellipse, transformation of co-ordinates, and the determination either geometrically or analytically of the radius of curvature at any point in an ellipse;

4.

4. Projections,--the theory of those usually employed in the delineation of spheric surface;

5. Method of trigonometric surveying, of observing the angles and calculating the sides of large triangles on the earth's surface, and of obtaining the differences of latitude and longitude of points in a series of such triangles, having a regard to the effect of the figure of the earth;

6. The portion of the theory of practical astronomy relating to the determination of the geographic position of points on the earth's surface, and the directions of lines on the same, that is to say:— Practical astronomy.

Methods of determining latitude—

a. By circum-meridian altitudes,

b. By differences of meridional zenith distance (Talcott's method),

c. By transits across prime vertical;

Determination of azimuth—

a. By extra meridional observations,

b. By meridian transits;

Determination of time—

a. By equal altitudes,

b. By meridian transits;

Determination of differences of longitude—

a. By electric telegraph,

b. By moon culminations;

7. The theory of the instruments used in connection with the foregoing, that is to say,—the sextant or reflecting circle, altitude and azimuth instrument, astronomic transit, zenith telescope and the management of chronometers; also of the ordinary meteorological instruments, barometer, mercury and aneroid, thermometers, ordinary and self-registering, anemometer, and rain gauges,—and on their knowledge of the use of the same; Theory of instruments. And their use.

8. Elementary mineralogy and geology, so far as respects a knowledge of the more common characters by which the mineral Mineralogy and geology.

mineral bodies that enter largely into the composition of rocks are distinguished, with their general properties and conditions of occurrence; the ores of the common metals and the classification of rocks; and the geology of North America so far as to be able to give an intelligent outline of the leading geological features of the Dominion.

Geology of N. America.

Designation of those who pass the higher examination.

99. Persons who pass the above mentioned examination in the higher branches of surveying, shall have the fact certified by the Board, and shall be designated Dominion Topographical Surveyors.

Tariff of fees. (1876 & 1879.)

100. The following fees shall be paid under the provisions of this Act:—

1. To the secretary of the board, by each pupil, on giving notice of his desire for examination preliminary to being articled, one dollar;

2. To the secretary of the board, as the fee due on such examination, ten dollars, and a further sum of two dollars for certificate;

3. To the secretary of the board, by each pupil, at the time of transmitting to such secretary the indentures or articles of such pupil, two dollars;

4. To the secretary of the board, by each candidate for either the ordinary or the higher examination for a commission, with his notice thereof, two dollars;

5. To the secretary of the board, by each applicant obtaining a commission, as his fee thereon, two dollars;

6. To the secretary of the board, as an admission fee by any candidate receiving a commission, twenty dollars,—which sum shall also cover the certificate by the board in the case of a candidate passing the higher examination; but such amount, as also the ten dollars required to be paid under sub-section two of this section, shall be paid to the Receiver-General to the credit of Dominion Lands.

Allowances to members of the Board of Examiners. (1872 & 1876.)

101. Each of the members in attendance at the said board during examinations and the secretary shall receive five dollars for each day's sitting, and the actual travelling and living expenses incurred by such member, and consequent upon such attendance; and the Minister of the Interior is hereby authorized and required to pay such sums: Provided, that no member of the board, if at the time of the meeting he be over one hundred miles distant from the place of meeting, shall receive any allowance for being present at such meeting, unless such member shall have been previously

viously specially notified to attend the same by the secretary: and in the case of the examination of a pupil previous to being articled, by a member of the board, or by a surveyor deputed by the board for such purpose, such member or such surveyor shall be paid five dollars for such examination.

For special examination of a pupil. (1872 & 1876.)

102. The said board may, in their discretion, suspend or dismiss from the practice of his profession any Dominion Land Surveyor whom they may find guilty of gross negligence or corruption in the execution of the duties of his office; but the board shall not suspend or dismiss such Dominion Land Surveyor without having previously summoned him to appear in order to be heard in his defence, nor without having heard the evidence offered both in support of the complaint, and on behalf of such surveyor.

Board may suspend or dismiss negligent or corrupt surveyor. (1872 & 1879.)

STANDARD OF MEASURE.

103. The measure of length used in the surveys of Dominion lands, shall be the English measure of length, and every Dominion Land Surveyor shall be in possession of a subsidiary standard thereof, which subsidiary standard tested and stamped as correct by the Department of Inland Revenue, shall be furnished him by the said Department, on payment of a fee of three dollars therefor; and all Dominion Land Surveyors shall, from time to time, regulate and verify by such standard the length of their chains and other instruments for measuring.

Standard of English measure of length.

Copies to be procured by D. L. Surveyors.

HOW TO RENEW LOST CORNERS AND OBLITERATED LINES.

104. In all cases when any Dominion Land Surveyor is employed to run any dividing line or limit between sections, or other legal subdivisions, or wood lots, and the mound, post or monument, erected, marked or planted in the original survey to define the corner of such section, or other legal subdivisions, or wood lot, cannot be found, he shall obtain the best evidence that the nature of the case may admit of respecting such corner mound, post or monument; but if the same cannot be satisfactorily ascertained, then he shall measure the true distance between the nearest undisputed corner mounds, posts or monuments and divide such distance into such number of sections or other legal subdivisions, or wood lots (as the case may be) as the same contained in the original survey, giving to each a breadth proportionate to that intended in such original survey, as shewn on the plan and field notes thereof of record in the Dominion Lands Office; and if any portion of the township or section line (as the case may be) on which such corner mound, post or monument was or should have been planted in the original survey, should be obliterated and lost, then

Provision in case where the original mound, post or monument cannot be found.

then the Surveyor shall renew such township or section line (as the case may be) and shall draw and define the same on the ground, in such manner as to leave each and every of the adjoining sections or other legal subdivisions (as the case may be) of a width and depth proportionate to that severally returned for such section or legal subdivision in the original survey, and shall erect, plant or place such intermediate mounds, posts or monuments as he may be required to erect, plant or place, in the line so ascertained, having due respect to any allowance for a road or roads, and the corner, or division, or limit so found shall be the true corner, or division or limit of such section or other legal subdivision, or wood lot.

HOW LEGAL SUBDIVISIONS ARE TO BE SURVEYED AND LAID OUT.

Method of proceeding by Dominion Land Surveyor in laying out a half-section or quarter-section.

105. In all cases when a Dominion Land Surveyor is employed to lay out a given half-section or quarter-section, he shall effect the same by connecting the opposite original quarter-section corners (should the same be existing, or if the same be not existing, by connecting the several points in lieu thereof found in accordance with the preceding clause) by straight lines; and in laying out other and minor legal subdivisions, in any quarter-section, or any wood lot, he shall give such legal subdivision or wood lot, as the case may be, its proportionate share of the frontage and interior breadth of such quarter-section, and connect the points so found by a straight line; and the lines or limits so drawn as above on the ground, shall in the respective cases be the true lines or limits of such half-section or quarter-section, or other legal subdivision, or wood lot, whether the same shall or shall not correspond with the area expressed in the respective patents for such lands.

TO DRAW DIVISION LINES IN FRACTIONAL SECTIONS.

Dividing lines to be drawn from original corners.

106. The dividing lines or limits between legal subdivisions or wood lots in fractional sections shall be drawn from the original corners (or the points representing such corners, as defined on the ground in accordance with the provisions of this Act,) in the section line intended as the front of such subdivision or wood lot, at right angles to such section line.

ORIGINAL BOUNDARY LINES.

Boundaries placed under this Act are to be deemed the true ones.

107. All boundary lines of townships, sections or legal subdivisions, towns or villages, and all boundary lines of blocks, gores and commons, all section lines and governing points, all limits of lots surveyed, and all mounds, posts or monuments, run and marked, erected, placed or planted at the

the angles of any townships, towns, villages, sections or other legal subdivisions, blocks, gores, commons and lots or parcels of land, under the authority of this Act or of any Order of the Governor in Council, shall be the true and unalterable boundaries of such townships, towns and villages, sections or other legal subdivisions, blocks, gores, commons and lots or parcels of land respectively, whether the same upon admeasurement be, or be not found to contain the exact area or dimensions mentioned or expressed in any patent, grant or other instrument in respect of any such township, town, village, section or other legal subdivision, block, gore, common, lot or parcel of land.

108. Every township, section or other legal subdivision, town, village, block, gore, common, lot or parcel of land, shall consist of the whole width included between the several mounds, posts, monuments or boundaries respectively, so erected, marked, placed, or planted as aforesaid, at the several angles thereof, and no more or less,—any quantity or measure expressed in the original grant or patent thereof notwithstanding.

Townships and other legal subdivisions to comprise all the space within their boundaries.

109. Every patent, grant or instrument purporting to be for any aliquot part of any section, or other legal subdivision, block, gore, common, lot or parcel of land, shall be construed to be a grant of such aliquot part of the quantity the same may contain on the ground, whether such quantity be more or less than that expressed in such patent, grant or instrument.

As to aliquot parts of townships, &c.

110. In every town and village in Manitoba or the North-West Territories, which may be surveyed and laid out under the provisions of this Act, all allowances for any road, street, lane, lot or common, laid out in the original survey of such town or village, shall be public highways and commons; and all mounds, posts or monuments, placed or planted in the original survey of such town or village, to designate or define any allowance for a road, street, lane, lot or common, shall be the true and unalterable boundaries of such road, street, lane, lot or common; and all Dominion Land Surveyors employed to make surveys in such town or village, shall follow and pursue the same rules and regulations in respect of such surveys, as are by law required of them when employed to make surveys in townships.

Road allowances in towns, &c., to be public highways.

111. For better ascertaining the original corner or limits of any township, section, or other legal subdivision, lot or tract of land, every Dominion Land Surveyor acting in that capacity, may administer an oath or oaths to each and every person whom he may examine concerning any corner mound, post, monument or other boundary, or any original landmark, line, limit or angle, of any township, section or other legal

D. L. Surveyors may examine witnesses on oath.

legal subdivision, lot or tract of land which such Dominion Land Surveyor is employed to survey.

EVIDENCE BEFORE SURVEYORS.

How D. L. Surveyors shall proceed to ascertain boundaries when doubtful.

112. When any Dominion Land Surveyor is in doubt as to the true corner, boundary or limit of any township, section, lot or tract of land which he is employed to survey, and has reason to believe that any person is possessed of any important information touching such corner, boundary or limit, or of any writing, plan or document tending to establish the true position of such corner, boundary or limit, then if such person does not willingly appear before, and be examined by such surveyor, or does not willingly produce to him such writing, plan or document, such surveyor may apply to any Justice of the Peace for an ordinary *subpœna* as witness, or a *subpœna duces tecum*, as the case may require, accompanying such application by an affidavit or solemn declaration to be made before such Justice of the Peace, of the facts on which the application is founded, and such justice may issue a *subpœna* accordingly, commanding such person to appear before the surveyor at a time and place to be mentioned in the *subpœna*, and (if the case require it) to bring with him any writing, plan or document mentioned or referred to therein.

Subpœna may be issued.

How served.

1. Such *subpœna* shall be served on the person named therein by delivering a copy thereof to him or by leaving the same for him with some grown person of his family at his residence, exhibiting to him or such grown person the original.

Penalty for disobeying it.

2. If the person commanded to appear by such *subpœna* after being paid his reasonable expenses, or having the same tendered to him, refuses or neglects to appear before the surveyor at the place and time appointed in the *subpœna*, or to produce the writing, plan or document (if any) therein mentioned or referred to, or to give such evidence and information as he may possess touching the boundary or limit in question, a warrant by the justice for the arrest of such person may be issued, and he may be punished accordingly by fine not exceeding one hundred dollars, or imprisonment not exceeding ninety days, or both, in the discretion of such justice.

Evidence taken by D. L. Surveyors to be reduced to writing and signed.

113. All evidence taken by any Dominion Land Surveyor as aforesaid shall be reduced to writing, and shall be read over to the person giving the same, and be signed by such person, or if he cannot write, he shall acknowledge the same as correct before two witnesses, who shall sign the same, as also the Dominion Land Surveyor; and such evidence shall, and any document or plan prepared and sworn to as correct before

before a Justice of the Peace, by any Dominion Land Surveyor, with reference to any survey by him performed, may be filed and kept at the registry office of the place in which the lands to which the same relates are situate, subject to be produced thereafter in evidence in court.

114. Any Dominion Land Surveyor when engaged in the performance of his duties as such, may pass over, measure along, and ascertain the bearings of any township or section line, or other Government line, and for such purposes may pass over the lands of any person whomsoever, doing no actual damage to the property of such person.

Power to enter upon private lands.

PROTECTION TO SURVEYORS.

115. If any person in any part of the Dominion lands interrupts, molests or hinders any Dominion Land Surveyor, while in the discharge of his duty as a surveyor, such person shall be guilty of a misdemeanour, and being thereof lawfully convicted in any court of competent jurisdiction, shall be punished either by fine or imprisonment, or both, in the discretion of such court,—such imprisonment being for a period not exceeding two months, and such fine not exceeding twenty dollars, without prejudice to any civil remedy which such Dominion Land Surveyor or any other party may have against such offender for damages occasioned by such offence.

Penalty for molesting D. L. Surveyor in discharge of his duty.

116. If any person knowingly and wilfully pulls down, defaces, alters, or removes any mound, post or monument erected, planted or placed in any original survey under the provisions of this Act, or under the authority of any Order in Council, such person shall be deemed guilty of felony; and if any person knowingly and wilfully defaces, alters, or removes any other mound or land-mark, post or monument placed by any Dominion Land Surveyor to mark any limit, boundary or angle of any township, section or other legal sub-division, lot or parcel of land in Manitoba, or the North-West Territories, such person shall be deemed guilty of a misdemeanour; and being convicted thereof before any competent Court, shall be liable to be punished by fine or imprisonment or both, at the discretion of such Court,—such fine not to exceed one hundred dollars, and such imprisonment not to be for a longer period than three months, without any prejudice to any civil remedy which any party may have against such offender or offenders for damages occasioned by reason of such offence: Provided that nothing in this Act shall extend to prevent Dominion Land Surveyors, in their operations, from taking up posts or other boundary marks when necessary, after which they shall carefully replace them as they were before.

Penalty for pulling down or destroying land marks placed by D. L. Surveyor.

Proviso: as to examining posts.

D. L. Surveyors to keep journals and field notes, and furnish copies to parties concerned.

117. Every Dominion Land Surveyor shall keep exact and regular journals and field notes of all his surveys of Dominion lands, and file them in the order of time in which the surveys shall have been performed, and shall give copies thereof to the parties concerned when so required; for which he is hereby allowed the sum of one dollar for each copy, if the number of words therein do not exceed four hundred, but if the number of words therein exceed four hundred, he is allowed ten cents additional for every hundred words over and above four hundred words.

Allowance to D. L. Surveyor for attendance as a witness.

118. There shall be allowed to every Dominion Land Surveyor summoned to attend any court, civil or criminal, for the purpose of giving evidence in his professional capacity as a surveyor, for each day he so attends (in addition to his reasonable travelling and living expenses), and to be taxed and paid in the manner by law provided, with regard to the payment of witnesses attending such court, five dollars.

ASSIGNMENTS.

Surveyor General to keep a register of assignments.

119. The Surveyor-General shall keep a book for registering, at the option of the parties interested, the particulars of any assignment made, as well by the original nominee, purchaser, or locatee or lessee of Dominion lands, or his heir or legal representative, as by any subsequent assignee; and upon such assignment being produced with the affidavit of due execution thereof, and of the time and place of such execution, and the names, residences and occupations of the witnesses, the said Surveyor-General shall cause the material particulars of every such assignment to be registered in such book of registry, and shall cause to be endorsed on every such assignment a certificate of such registration; and every such assignment so registered shall be valid against any one previously executed, and subsequently registered or unregistered, but all assignments to be registered must be unconditional, and all the conditions of sale, grant or location, must have been complied with, or if dispensed with, then so dispensed with by the Minister of the Interior, before such registration is made.

If any subscribing witness cannot be found. (1874.)

120. If any subscribing witness to any such assignment is deceased or cannot be found, the said Surveyor-General may register such assignment on the production of an affidavit proving the death or the absence of such witness and the hand-writing of the party making such assignment.

TARIFF OF FEES

Fees for documents furnished.

121. The Governor in Council may establish a tariff of fees to be charged for all copies of maps, township plans, field notes and other records; also for registering assignments;

ments; and all fees received under such tariff shall be accounted for by the Surveyor-General, and shall form part of the revenue from Dominion lands. from Surveyor-General's office. (1876.)

TOWNSHIP PLANS AND PATENT LISTS.

122. The Surveyor-General shall transmit to the Registrar of every county, and registration district, and division in Manitoba and the North-West Territories, a copy of the plan of each township or parish within such county, district or division which has been previously surveyed, and the survey of which has been confirmed, and shall also, at the same time, transmit a list of all Dominion lands, within such county, district or division, for which patents may have previously issued; and further, shall, as early as possible in each year thereafter, transmit to such Registrar a copy of the map of each township in such county, district or division, surveyed in the year next preceding, together with a list of the lands in such county, district or division, patented during such year. All of such copies of plans, maps and lists of lands patented, shall be certified by the Surveyor-General.

Surveyor General to transmit certain information to registrars of counties. (1874.)

Certified plans. (1874.)

LAND SCRIP.

123. Whereas by the fifth sub-section of the thirty-second section of the Act passed in the thirty-third year of Her Majesty's reign, chapter three, it is provided that the rights of common and of cutting hay held and enjoyed by the settlers in the Province of Manitoba, may be commuted by grants of land from the Crown; and whereas the method of commuting the said rights by an issue of scrip redeemable only in land, is most convenient and expedient; and whereas it is also expedient to affirm the principle that rights to Dominion land may be satisfied by an issue of scrip; therefore, the Orders of the Governor in Council, dated respectively the sixth day of September, one thousand eight hundred and seventy-three, and the seventeenth day of April, one thousand eight hundred and seventy-four, providing for the issue of scrip in commutation of the rights of common and of cutting hay in Manitoba, are hereby confirmed.

Certain Orders in Council authorizing the issue of scrip for land rights confirmed. (1874.)

124. The Governor in Council may, if deemed by him expedient, satisfy any claim which may hereafter arise to grants of Dominion lands, by an issue of scrip redeemable only by its receipt in payment for such land.

Further authority to issue scrip. (1874.)

GENERAL PROVISIONS.

125. The following powers are hereby delegated to the Governor in Council:—

a. To withdraw from the operation of the said Act, subject to their existing rights as defined or created under the same

Governor in Council may withdraw Indian Reserves and half-breed lands from the

operation of this Act, and may alter price of lands and terms of sale and settlement thereof. (1879.)

NOTE.—*This section is substituted for S. 105, of 35 V., c. 23.* (1879.)

same, such lands as have been reserved for Indians, or such as may be required to satisfy the half-breed claims created under section thirty-one of the Act thirty-three Victoria, chapter three;

b. To reserve from general sale and settlement Dominion lands to such extent as may be required to aid in the construction of railways in Manitoba or in the Territories owned by the Dominion, and to provide for the disposal of such lands, notwithstanding anything contained in the said Act, in such manner and on such terms as may be deemed expedient;

c. To encourage works undertaken with a view of draining and reclaiming swamp lands by granting to the promoters of such works remuneration in the way of grants of such portions of the lands so reclaimed as may be deemed fair and reasonable;

d. To grant land—in no case, however, to exceed in extent nine hundred and sixty acres—to any person or persons who will establish and keep in operation thereon for a term of not less than five years, a school of instruction in practical farming and all matters pertaining thereto, adapted for thirty pupils, with the approval and to the satisfaction of the Minister of the Interior;

e. To satisfy any claims existing in connection with the extinguishment of the Indian title, preferred by half-breeds resident in the North-West Territories outside of the limits of Manitoba, on the fifteenth day of July, one thousand eight hundred and seventy, by granting land to such persons, to such extent and on such terms and conditions, as may be deemed expedient;

f. To investigate and adjust claims preferred to Dominion land situate outside of the Province of Manitoba, alleged to have been taken up and settled on previous to the fifteenth day of July, eighteen hundred and seventy, and to grant to persons satisfactorily establishing undisturbed occupation of any such lands, prior to, and, being by themselves or their servants, tenants or agents, or those through whom they claim, in actual peaceable possession thereof at the said date, so much land in connection with and in satisfaction of such claims, as may be considered fair and reasonable;

g. To make such orders as may be deemed necessary from time to time to carry out the provisions of the said Act according to their true intent, or to meet any cases which may arise and for which no provision is made in the said Act; and further to make and declare any regulations which may be considered necessary to give the provisions in this section

section contained full effect; and from time to time to alter or revoke any order or orders or any regulations made in respect of the said provisions, and make others in their stead; and such orders or regulations shall be published in the *Canada Gazette* and in such newspapers as the Minister of the Interior may direct, and shall be laid before Parliament within the first ten days of the session next after the date thereof.

126. All affidavits, oaths, solemn declarations or affirmations required to be taken or made under this Act may be taken before the Judge or Clerk of any County or Circuit Court, or any Justice of the Peace, or any Commissioner for taking affidavits, or any Dominion Lands Agent or Officer, or any person specially authorized to take such affidavits by the Minister of the Interior. **Affidavits, &c., before whom to be made.**

127. In any case where an affidavit or oath is required by this Act, a solemn affirmation may be administered and made instead of an oath, by any person who is by law permitted in civil cases to make a solemn affirmation instead of taking an oath. **Affirmation in lieu of oaths.**

PREVIOUS ORDERS IN COUNCIL.

128. All proceedings properly taken under the respective Orders in Council, on the subject of the *Public Lands in the Province of Manitoba*, dated the twenty-fifth of April, one thousand eight hundred and seventy-one, and the twenty-sixth of May, following the said date, are hereby confirmed, and the said respective Orders, except the provision therein respecting pre-emption rights, which is hereby repealed and done away with, (and except such of the provisions thereof as may be inconsistent with the provisions of this Act, and which are hereby revoked), shall be and remain in force: Provided that this enactment shall in no way affect the provisions of the Act passed in the thirty-sixth year of Her Majesty's reign, chapter thirty-eight. **Proceedings under certain Orders in Council confirmed.**

129. Subject to the provisions hereinafter made, the Act passed in the thirty-fifth year of Her Majesty's Reign and intituled "*An Act respecting the Public Lands of the Dominion*," and the Act passed in the thirty-seventh year of Her Majesty's Reign, and intituled "*An Act to amend the Dominion Lands Act*," and the Act passed in the thirty-ninth year of Her Majesty's Reign, and intituled "*An Act to amend the Dominion Lands Acts*," are hereby repealed, and this Act is substituted for them: Provided always, that all enactments repealed by any of the said Acts shall remain repealed, and that all things lawfully done and all rights acquired or liabilities incurred under them or any of them shall remain valid and may be enforced, and all proceedings and things lawfully **Acts 35 V., c. 23. (1872.** **37 V., c. 19. (1874.)** **39 V., c. 19, repealed. (1876.)** **Proviso: as to effect of such repeal. (1879.)**

lawfully commenced under them or any of them may be continued and completed, under this Act, which shall not be construed as a new law, but as a consolidation and continuation of the said repealed Acts subject to the amendments hereby made and incorporated with them; and any thing heretofore done under any provision in any of the said repealed Acts which is repeated without alteration in this Act, may be alleged or referred to as having been done under the Act in which such provision was made, or under this Act.

SCHEDULE.

FORM A.—*See Section* 34.

APPLICATION FOR A HOMESTEAD RIGHT.

I, of do hereby apply to be entered, under the provisions of the "*Dominion Lands Act*, 1878," for quarter quarter sections, numbers and forming part of section number of the Township of containing acres, for the purpose of securing a homestead right in respect thereof.

FORM B.—*See Section* 34, *Sub-section* 8.

AFFIDAVIT IN SUPPORT OF CLAIM FOR HOMESTEAD RIGHT.

I, A. B., do solemnly swear (*or* affirm as the case may be) that I am over eighteen years of age, that I have not previously obtained a homestead under the provisions of the *Dominion Lands Act*, that the land in question belongs to the class open for homestead entry; that there is no person residing or having improvements thereon, and that the application is made for my exclusive use and benefit, with intention to reside upon and cultivate the said land. So help me God.

FORM C.—*See Section* 84, *Sub-section* 1.

OATH OF MEMBERS OF BOARD OF EXAMINERS.

I, A. B., do solemnly swear (*or* affirm *as the case may be*), that I will faithfully discharge the duty of an Examiner of Candidates

Candidates for Commissions as Dominion Land or Topographical Surveyors, according to law, without favour, affection or partiality. So help me God.

FORM D.—*See Section* 90.

ARTICLES OF PUPIL TO DOMINION LAND SURVEYOR.

THESE ARTICLES OF AGREEMENT, made the day of one thousand eight hundred and between A. B., of of Dominion Land Surveyor of the one part, and C. D., of and E. F., son of the said C. D. of the other part, witness:—

That the said E. F., of his own free will, and by and with the consent and approbation of the said C. D., doth, by these presents, place and bind himself pupil to the said A. B. to serve him as such from the day of the date hereof, for and during and until the full end and term of three years from hence next ensuing, and fully to be completed and ended.

And the said C. D. doth hereby, for himself, his heirs, executors and administrators, covenant with the said A. B., his executors, administrators and assigns, that the said E. F. shall well, and faithfully, and diligently according to the best and utmost of his power serve the said A. B. as his pupil in the practice or profession of a Dominion Land Surveyor, which he the said A. B. now followeth, and shall abide and continue with him from the day of the date hereof, for and during and unto the full end of the said term of three years.

And that he the said E. F. shall not, at any time during such term, cancel, obliterate, injure, spoil, destroy, waste, embezzle, spend or make away with any of the books, papers, writings, documents, maps, plans, drawings, field notes, moneys, chattels or other property of the said A. B., his executors, administrators or assigns, or of any of his employers; and that in case the said E. F. shall act contrary to the last-mentioned covenant, or, if the said A. B., his executors, administrators or assigns, shall sustain or suffer any loss or damage by the misbehaviour, neglect or improper conduct of the said E. F., the said C. D., his heirs, executors, or administrators, will indemnify the said A. B., his executors, administrators or assigns, and make good and reimburse him or them the amount or value thereof.

And further, that the said E. F. shall at all times keep the secrets of the said A. B. in all matters relating to the said business and profession, and will, at all times during the said term, be just, true and faithful to the said A. B. in all matters and things, and from time to time pay all moneys which

which he shall receive of or belonging to or by order of the said A. B. into his hands, and make and give true and fair accounts of all his acts and doings whatsoever in the said business and profession, without fraud or delay, when and so often as he shall thereto be required; and will readily and cheerfully obey and execute his lawful and reasonable commands, and shall not depart or absent himself trom the service or employ of the said A. B. at any time during the said term without his consent first had and obtained, and shall, from time to time, and at all times during the said term, conduct himself with all due diligence, and with honesty and sobriety.

And the said E. F. doth hereby, for himself, covenant with the said A. B., his executors, administrators and assigns, that he the said E. F. will truly, honestly and diligently serve the said A. B. at all times, for and during the said term, as a faithful pupil ought to do in all things whatsoever in the manner above specified.

In consideration whereof, and of   of lawful money by the said C. D. to the said A. B., paid at or before the sealing and delivery of these presents (the receipt whereof is hereby acknowledged), the said A. B. for himself, his heirs, executors and administrators, doth covenant with the said C. D., his heirs, executors and administrators, that the said A. B. will accept and take the said E. F. as his pupil, and that he the said A. B. will, by the best ways and means he may or can, and to the utmost of his skill and knowledge, teach and instruct, or cause to be taught and instructed, the said E. F. in the course of study prescribed by section ninety-five of the "*Dominion Lands Act*, 1879," in practical surveying operations and in the use of instruments, and generally in the art, practice and profession of a Dominion Land Surveyor, which he the said A. B. now doth, and shall at all times during the said term, use and practice, and also will provide the said E. F. with all the necessary and reasonable expenses incurred in transacting or performing the business of the said A. B., and also will, at the expiration of the said term, give to the said E. F., a certificate of servitude and use his best means and endeavours, at the request, cost and charges of the said C. D. and E. F., or either of them, to cause and procure him the said E. F. to be examined before the Board of Examiners of candidates for commissions as Dominion Land Surveyors: Provided the said E. F. shall have well, faithfully and diligently served his said intended pupilage.

And for the true performance of all and every the covenants and agreements aforesaid, according to the true intent and meaning thereof, each of them the said A. B. and C. D., doth bind himself, his heirs, executors and administrators, unto the other, his heirs, executors, administrators and assigns, in the penal sum of Five Hundred Dollars, firmly by these presents.

IN

IN WITNESS WHEREOF the parties aforesaid have hereunto set their hands and seals, the day and year first above written.

A. B. (Seal.)
C. D. (Seal.)
E. F. (Seal.)

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

G. H.
J. K.

FORM E.—*See Section* 97.

COMMISSION AS DOMINION LAND SURVEYOR.

This is to certify to all whom it may concern that A. B., of hath duly passed his examination before the Board of Examiners, and hath been found duly qualified to fill the office and perform the duties of Dominion Land Surveyor, he having complied with all the requirements of the law in that behalf: Wherefore he the said A. B. is hereby duly admitted to the said office, and commissioned for the discharge of the duties thereof, and is by law authorized to practice as a Surveyor of Dominion lands.

In Witness whereof We, the President and Secretary of the said Board, have signed this Commission, at , on this day of , one thousand eight hundred and

C. D.,
Surveyor General.
E. F.,
Secretary.

FORM F.—*See Section* 67.

APPLICATION FOR LAND FOR FOREST TREE CULTURE.

I, A. B., do hereby apply to be entered under the provisions respecting forest tree culture of "*The Dominion Lands Act* 1879," for the Section in Township number , in the Range of the Meridian, for the purpose of cultivating forest trees thereon.

FORM

FORM G.—*See Section* 67

AFFIDAVIT IN SUPPORT OF CLAIM FOR FOREST TREE CULTURE.

I, A. B., do solemnly swear, (*or* affirm, *as the case may be*,) that I am over eighteen years of age; that I have not previously obtained an entry of land for forest tree culture, the extent of which, added to that now applied for, will exceed in all one hundred and sixty acres; that the land now in question is open prairie and without timber, and is unoccupied and unclaimed, and belongs to the class open for entry for tree culture (*or, instead of the above, after the word* "question," *as the case may be, say*, consists of the quarter-section heretofore entered by me as a pre-emption right, under the provisions of sub-section one of section thirty-three of the "*Dominion Lands Act*,") and that the application is made for my exclusive benefit. So help me God.

CHAP. 32.

An Act to explain and amend the Act respecting the appropriation of certain Dominion Lands in Manitoba.

[*Assented to 15th May, 1879.*]

Preamble. 37 V., c. 20.

IN explanation and amendment of the Act passed in the thirty-seventh year of Her Majesty's reign, intituled "*An Act respecting the appropriation of certain Dominion Lands in Manitoba*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sect. 2 explained as to "members of the family."

1. The expression "members of the family" in the second section of the Act first cited, shall be construed as having been intended to include the husband or wife of the half-breed head thereof, and the children of the deceased children of such head as representing them, or such of the persons so included as are living when the issue of the scrip is ordered, and none other; and the Governor in Council may determine the proportions in which, as well as the conditions on which, the scrip shall be distributed among members of the family entitled to share therein.

Power of Governor in Council.

Sect. 4 amended.

2. The expression "members of the family" shall be substituted for the expression "children" in the enacting portion of the fourth section of the Act first cited, and shall have the meaning hereby assigned to the same expression in the second section of the said Act; and scrip to be issued under the said fourth section shall be granted or distributed to such members of the family, and on such conditions, and in such proportions as the Governor in Council may, from time to time, determine.

Power of Governor in Council.

3.

3. If there be then no member of the family living, any scrip to be issued under either of the said sections of the said Act, shall be dealt with according to the law of Manitoba, as if it were the personal property of the member of the family last deceased.

If there be no member of the family living.

4. No person except such last deceased member as aforesaid, shall be held to have a vested interest in scrip under the said Act until it is ordered to be issued in his favour; but after such order, it shall, in case of his decease before he receives it, be dealt with and distributed as personalty, according to the law of Manitoba; and if the person entitled to scrip under the said Act be a minor, or insane, or otherwise incapacitated from managing his affairs, it shall be issued or delivered to his guardian, curator or other person having charge of his personalty by the law of Manitoba, in trust, to be dealt with according to such law.

Who only shall be held to have a vested interest in scrip.

As to minors, insane, etc.

5. Provided always, that all issues of scrip and orders for the distribution thereof under the said Act, made by authority of the Governor in Council before the first day of January, 1879, are hereby confirmed and made valid.

Distribution made before 1st January, 1879, confirmed.

CHAP. 33.

An Act respecting certain Ordnance and Admiralty Lands in the Provinces of New Brunswick and Nova Scotia.

[*Assented to* 15*th May*, 1879.]

WHEREAS it was agreed between Her Majesty's Government and the Government of Canada, that the military and naval lands mentioned and described in the schedule to this Act should be transferred to Canada, and in pursuance of that agreement the possession and control of the said lands have been transferred to the Government of Canada; And whereas in order to the execution of the said agreement it is necessary that the legal title to the said lands should be re-vested in Her Majesty for the purposes of Canada, and it is expedient to make provision for the management and disposition of the said lands: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. All the lands comprised in the schedule to this Act, by whatever mode of conveyance the same may have been acquired or taken, whether in fee, for life, for years or otherwise, and all the appurtenances thereof, are and shall be and continue absolutely vested in Her Majesty for the purposes of Canada, and shall be subject to the provisions of the laws relating to public lands, so far as applicable to the same, and

Lands in the Schedule vested in Her Majesty for Canada.

and shall be held, used, alienated and dealt with accordingly, but subject, nevertheless, to any sales, agreements, leases or agreements to lease heretofore lawfully entered into with respect to them.

Subject to sales, agreements, &c.

Rights saved.

2. Nothing in this Act shall affect any right of any party claiming any of the said lands.

To be divided into two classes.

3. The said lands shall be divided by the Governor in Council into two classes, to be denominated respectively: Class one and Class two:

2. Lands in either class may, from time to time, be placed or replaced in the other class by the Governor in Council.

Class one.

4. Class one shall consist of such parts of the said lands as may, from time to time, be placed in that class, by order of the Governor in Council:

How to be dealt with.

2. Lands in Class one shall be retained by the Government of Canada for the defence of Canada:

If occupied for defence.

3. Such of the lands in Class one as it is deemed necessary by the Governor in Council to occupy for the defence of Canada in time of peace may be so occupied by such force as shall be lawfully directed by the Governor in Council:

If not so occupied.

4. Such of the lands in Class one as it is not deemed necessary so to occupy may be leased, or otherwise used, as the Governor in Council may think best for the advantage of Canada.

Class two.

5. Class two shall consist of such parts of the said lands as may not be in Class one:

How to be dealt with.

Proviso: if sold.

2. Lands in Class two may be sold, leased or otherwise used as the Governor in Council from time to time may think meet: Provided always, that such sales shall only be made at public auction, except in the case of lands sold to the Government of a Province for provincial purposes; but no such sale shall prejudice the right acquired by any private party:

Proviso as to improvements made with leave.

3. Provided always, that when any portions of the said lands are in the actual occupation of any person or persons with the assent of the Crown, and improvements thereon have been made, such improvements shall be paid for at a fair valuation before exposing the land to competition, or the Crown may, by private contract, sell the portion or portions of land so occupied to the person or persons in possession without resorting to public auction.

As to proceeds of sales and leases.

6. The moneys arising from the sale or lease of any of the said lands shall be paid over to the Receiver General, and shall form part of the Consolidated Revenue Fund of Canada, and a separate account shall be kept thereof.

7.

7. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed. Repeal.

SCHEDULE.

(Referred to in the First Section of this Act.)

NEW BRUNSWICK.

Local Name of the Property, &c.	Origin of the Title.	Contents (nearly).		
		A.	R.	P.
ST. JOHN AND VICINITY.				
Fort Howe, Portland, and land attached........................	Acquired by deed of exchange, 9th June, 1789 (place of deposit of the deed unknown). Registry Office, Book B., page 170. No. 317..................................	(Revised.) 16	0	0
Carleton, Martello Tower and Old Block House properties, and the site of Old Fort Point..................	Acquired partly by purchase in 1827 and partly by undisputed military occupation. Act of Provincial Legislature, 1st May, 1856..................................	(Approximate.) 5	3	37
Carleton, Reserve Z..........................	Marked "Reserve Z," in City Plan.	(Not given.)		
Carleton, Negro Point Battery and land attached, commanding harbour..........................	Purchased by the Provincial Government in 1864 and made over to the Imperial Government, 15th December, 1864, under certificate of the Solicitor-General of New Brunswick	7	0	28
Red Head Battery, east side of entrance into harbour..........................	Purchased by the Provincial Government in 1864 and made over to the Imperial Government, 15th December, 1864, under certificate of the Solicitor-General of New Brunswick	8	1	3
Partridge Island Battery, barracks, &c., with Queen's Wharf and right of way to battery, &c....................	Works of defence erected by virtue of a reservation in the City Charter. The free use of a landing place and roadway were also conceded to the War Department, 19th July, 1859, by the Board of Health	0	2	8
ST. JOHN.				
"Lower Cove Grounds," Dorchester, and other Batteries, Infantry and Artillery Barracks, with accessories, &c..................................	*Common Lands.* By reservation in City Charter, the Crown had the right to erect barracks, works of defence, &c., commencing about 1794; *vide* also agreement with the Corporation of St. John, dated 16th January, 1858, original in Common Clerk's Office.	26	0	25

SCHEDULE

SCHEDULE.—New Brunswick.—*Continued.*

Local Name of the Property, &c.	Origin of the Title.	Contents (nearly).		
		A.	R.	P.
FREDERICTON CITY.				
Property known as the "Stone Barracks" (Infantry) and accessories attached complete. Also Officers' Barracks, &c between Queen Street and River St. John, County York...	Originally a military reserve, and under certain deeds of exchange between the War Department and the City Corporation, 1866. *See also* Provincial Acts, 9 Vic., c. 73, and 28 Vic., c. 61............	8	0	3
Artillery Park Barracks, and several other buildings accessories thereto, on George and Regent Streets, County York.........	No record furnished how this property came into possession of the War Department.	1	2	26
ST. ANDREWS AND VICINITY.				
West Battery Block-house, &c., &c., County Charlotte.........	Reserved for military purposes in the Campbell Grant, 11th October, 1823.....	2	0	3¼
Joe's Point Block-house, near River Ste. Croix, County Charlotte.........	Reserved for military purposes in the Campbell Grant, 11th October, 1823.....	21	0	0
Simpson Reserve on River Ste. Croix, County Charlotte............................	No record of title furnished by Imperial Government................	22	1	12
Fort Tipperary, Barracks and accessories, Tompkin's Hill, County Charlotte..........................	Acquired by exchange and deed of conveyance, 11th March, 1815, and Legislative Act, 7th March, 1814.	9	1	34
OROMOCTO OR THREE TREE CREEK.				
County Sunbury..........................	Reserved for military purposes. No date furnished as to the precise time...........	200	0	0
BEAVER HARBOUR.				
East of L'Etang, County Charlotte, near St. Andrews	Reserved for military purposes in 1784.. ...	8	0	0
(Reserve) POMEROY BRIDGE.				
Magaguadavic River, County Charlotte........................	Reserved or acquired for military purposes. Title dated 14th July, 1837. Place of deposit unknown.	6	2	0

SCHEDULE.

SCHEDULE.—New Brunswick.- *Continued.*

Local Name of the Property, &c.	Origin of the Title.	Contents (nearly.)		
		A.	R.	P.
PRESQU'ILE (Original Record.)				
River St. John, County Charlotte.....	Reserved for military purposes in the Wakefield Grant, 20th June, 1809. Lieut. Governor's warrant of survey, dated 22nd Oct., 1827, in the Provincial Surveyor General's Office..................	676	0	0
GRAND FALLS.				
River St. John, County of Victoria or Carleton	Reserved for military purposes, as shewn on plan in the Surveyor General's Office since 1800. Provincial grant to the Ordnance dated 23rd April, 1845	Total by schedule. 1,548	1	0
LITTLE FALLS.		*Total by title deed.* 1,571	3	0
Madawaska River, County of Madawaska..............	*For site of Block-house, &c.* By deed of sale from Joseph Hébert, to the Ordnance, dated 22nd August, 1843. No. 9,549, Louis Panet, N.P., Quebec	By Survey. 20	3	23
		By title deed. 24	3	
DALHOUSIE.				
Bay Chaleurs, County Restigouche....	Provincial Grant as a military reserve, 7th August, 1838	18	0	0
(Reserve) FORT CUMBERLAND.				
N.E. Shore, Bay of Fundy, County Westmoreland..............	Site of a defensive post, captured from French in June, 1755, known at that time as "Fort Beauséjour"........	72	0	0
		2,658	1	2½

NOVA SCOTIA.

		A.	R.	P.
Shelburne Harbour, Navy and Commissary Islands..............	Under Order in Council, 26th June, 1874, and by deed of conveyance from the Admiralty dated 28th November, 1874...	27	3	0

CHAP. 34.

An Act to amend "The Indian Act, 1876."

[*Assented to* 15*th May*, 1879.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sect. 3 of 39 V., c. 18, sub-section 3 amended.

1. Paragraph (*e*) of sub-section three, of section three of "*The Indian Act* 1876," is hereby amended by adding at the end thereof the words "And any half-breed who may have been admitted into a treaty shall be allowed to withdraw therefrom on refunding all annuity money received by him or her under the said treaty, or suffering a corresponding reduction in the quantity of any land, or scrip, which such half-breed as such may be entitled to receive from the Government."

Section 16 repealed.

2. Section sixteen of the Act aforesaid is hereby repealed, and the following section substituted in lieu thereof:—

New section substituted. Punishment of persons trespassing on Indian Reserves.

"**16.** If any person or Indian, other than an Indian of the band to which the reserve belongs, without the license in writing of the Superintendent-General, or of some officer or person deputed by him for that purpose, trespasses upon any of the said land, roads or allowances for roads in the said reserve, by cutting, carrying away, or removing therefrom any of the trees, saplings, shrubs, underwood, timber or hay thereon, or by removing any of the stone, soil, minerals, metals or other valuables, off the said land, roads or allowances for roads, the person or Indian so trespassing shall, on conviction thereof before any Stipendiary Magistrate, Police Magistrate or Justice of the Peace, for every tree he cuts, carries away or removes, forfeit and pay the sum of twenty dollars; and for cutting, carrying away, or removing any of the saplings, shrubs, underwood, timber or hay, if under the value of one dollar, the sum of four dollars; but if over the value of one dollar, then the sum of twenty dollars; and for removing any of the stone, soil, minerals, metals or other valuables aforesaid, the sum of twenty dollars, with costs of prosecution in all cases; and in default of immediate payment of the said penalties and costs, the Superintendent-General, or such other person as he may have authorized in that behalf, may issue a warrant, directed to any person or persons by him named therein, to levy the amount of the said penalties and costs by distress and sale of the goods and chattels of the person liable to

Recovery of of penalties if not forthwith paid.

pay

pay the same; and similar proceedings may be had upon such warrant as if it had been issued by the magistrate or Justice of the Peace before whom the person was convicted; or the Superintendent-General, or such other person as aforesaid, without proceeding by distress or sale, may, upon non-payment of the said penalties and costs, order the person liable therefor to be imprisoned in the common gaol of the county or district in which the said reserve or any part thereof lies, for a period not exceeding thirty days when the penalty does not exceed twenty dollars, or for a period not exceeding three months when the penalty does exceed twenty dollars; and upon the return of any warrant for distress or sale, if the amount thereof has not been made, or if any part of it remains unpaid, the said Superintendent-General, or such other person as aforesaid, may commit the person in default to the common gaol, as aforesaid, for a period not exceeding thirty days, if the sum claimed upon the said warrant does not exceed twenty dollars, or for a time not exceeding three months if the sum does exceed twenty dollars: all such penalties shall be paid to the Receiver-General to be disposed of for the use and benefit of the band of Indians for whose benefit the reserve is held, in such manner as the Governor in Council may direct."

Or by imprisonment.

And if the amount is not levied under the warrant.

Application of penalties.

3. Section seventeen of the said Act is hereby amended by adding thereto the words "and similar proceedings may be had for the recovery thereof as are provided for in the next preceding section."

Section 17 amended.

4. Section sixty-three of the said Act is hereby amended by adding to the fourth subsection thereof the words "also for the protection of sheep;"

Section 63 amended.

And by substituting for the words "maintenance of" in the fifth subsection thereof, the words "construction and maintenance of water courses;"

And by adding to the said section the two following subsections:—

"9. The repression of noxious weeds;

"10. The imposition of punishment, by fine or penalty, or by imprisonment, or both, for infraction of any of such rules or regulations,—the fine or penalty in no case to exceed thirty dollars, and the imprisonment in no case to exceed thirty days."

5. Section sixty-nine of the said Act is hereby amended by striking out the words "or otherwise, howsoever," in the fourth line thereof, and by adding at the end of the said section the

Section 69 amended.

Additional provisions as to presents to Indians.

the words "If any presents given to Indians or non-treaty Indians, or any property purchased or acquired with or by means of any annuities granted to Indians be unlawfully in the possession of any person, within the true intent and meaning of this section, any person acting under the authority (either general or special) of the Superintendent-General, may, with such assistance in that behalf as he may think necessary, seize and take possession of the same, and he shall deal therewith as the Superintendent-General may direct."

Section 87 amended.

6. Section eighty-seven is hereby amended by adding thereto the words "and in such cases compliance with the provisions of sections twenty-five and twenty-six and the sub-sections thereof shall not be necessary."

Penalties on keepers of public houses committing certain offences.

How enforced.

7. If any person, being the keeper of any house, allows or suffers any Indian woman to be or remain in such house, knowing, or having probable cause for believing, that such Indian woman is in or remains in such house with the intention of prostituting herself therein, such person shall be deemed guilty of an offence against this Act, and shall, on conviction thereof, in a summary way, before any Stipendiary Magistrate, Police Magistrate or Justice of the Peace, be liable to a fine of not less than ten dollars, or more than one hundred dollars, or to imprisonment in any gaol or place of confinement other than a penitentiary, for a term not exceeding six months.

Who shall be deemed master or mistress of such house.

8. Any person who appears, acts or behaves as master or mistress, or as the person having the care, government or management of any house in which any Indian woman is, or remains for the purpose of prostituting herself therein, shall be deemed and taken to be the keeper thereof, notwithstanding he or she may not in fact be the real keeper thereof.

CHAP. 35.

An Act further to amend the Acts therein mentioned respecting the Militia and Defence of the Dominion of Canada.

[*Assented to* 15*th May*, 1879.]

Preamble.

IN amendment of the Acts respecting the Militia and Defence of Canada: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1.

1. The second section of the Act passed in the thirty-ninth year of Her Majesty's reign, and intituled "*An Act to amend the Acts therein mentioned respecting the Militia and the Defence of the Dominion of Canada,*" is hereby repealed and the following substituted therefor :— Section 2 of 39 V., c. 12, repealed.

"2. The next enrolment of the Militia under the Act passed in the thirty-first year of Her Majesty's reign, intituled "*An Act respecting the Militia and Defence of the Dominion of Canada,*" shall be made and completed on or before the twenty-eighth day of February, one thousand eight hundred and eighty-one, and such enrolment shall be made and completed on or before the like day in every fifth year thereafter, in the manner provided by the said Act; and so much of the sixteenth section of the said Act as would require such enrolment to be made at any earlier or other time is hereby repealed: Provided always, that in case of war or other emergency, the enrolment mentioned in the said section may be made at any time by order of the Governor in Council." New section substituted. When the next enrolment under 31 V., c. 40, shall be made. Proviso, for cases of emergency.

2. The twenty-seventh section of the Act passed in the thirty-first year of Her Majesty's reign, intituled "*An Act respecting the Militia and Defence of the Dominion of Canada,*" as amended by the Act thirty-six Victoria, chapter forty-six, is hereby amended by substituting the following for the last portion of the said section, commencing immediately after the words "Military Commanding Officer only" :— Section 27 of 31 V., c. 40, as amended by 36 V., c. 46, re-amended.

"And when the Active Militia, or any corps thereof, are so called out in aid of the civil power, the municipality in which their services are required shall pay them when so employed, the rates authorized to be paid for actual service to officers, non-commissioned officers and men, and one dollar per diem for each horse actually and necessarily used by them, together with an allowance of one dollar to each officer, fifty cents to each non-commissioned officer and man per diem in lieu of subsistence, and fifty cents per diem in lieu of forage for each horse,—and, in addition, shall provide them with proper lodging, and with stabling for their horses: and the said pay and allowances for subsistence and forage, as also the value of lodging and stabling, unless furnished in kind by the municipality, may be recovered from it by the officer commanding the corps, in his own name, and, when so recovered, shall be paid over to the persons entitled thereto: Provided that the said pay and allowances of the force called out, together with the reasonable cost of transport mentioned in section one of the Act passed in the fortieth year of Her Majesty's reign, and intituled '*An Act to make further provision for the payment of the Active Militia when called out in certain cases in aid of the Civil Power,*' may, pending payment by the Municipality, be advanced in the Municipality to pay militiamen called out in aid of the civil powers, and provide lodging, &c. How recoverable. Proviso: they may be first paid by Government and recovered from municipality. 40 V., c. 40., s. 1, cited.

the first instance by Order of the Governor in Council, out of the Consolidated Revenue Fund of Canada; but such advance shall not interfere with the liability of the municipality, and the commanding officer shall at once, in his own name, proceed against the municipality for the recovery of such pay, allowances and cost of transport, and shall on receipt thereof pay over the amount to Her Majesty."

In case of emergency in N.-W. Territories or Keewatin, Lt.-Governor of Manitoba may call out the Active Militia by requisition to senior officer.

3. In case it be made to appear to the satisfaction of the Lieutenant-Governor or person administering the Government of the Province of Manitoba, that a riot, disturbance of the peace, or other emergency, requiring the service of the Active Militia in aid of the civil power, has occurred in the North-West Territories or in the District of Keewatin, or that such riot, disturbance, or other emergency is anticipated as likely to occur, and (in either case) to be beyond the powers of the civil authorities to suppress, or to prevent or deal with, the said Lieutenant-Governor or person administering the Government may, by a writing, expressing on the face thereof the actual occurrence of such riot, disturbance or emergency, or the anticipation thereof, require the senior officer of the Active Militia present in the Province ot Manitoba to call out the same, or such portion thereof as he may consider necessary for the purpose of preventing or suppressing any such actual or anticipated riot or disturbance or for the purpose of meeting and dealing with any such emergency as aforesaid; and it shall be the duty of such officer to comply with such requisition and to obey such instructions as may be lawfully given him by the said Lieutenant-Governor or person administering the Government, or by such magistrate as may be designated for the duty by the Lieutenant-Governor, or person administering the Government, in regard to the suppression of any such actual riot or disturbance, or in regard to the anticipation of such riot or disturbance or other emergency, or to the suppression of the same, or to the aid to be given to the civil power in case of any such riot, disturbance or other emergency; and every officer, non-commissioned officer and man of such Active Militia, or any portion thereof, shall, on every such occasion, obey the orders of his commanding officers; and the officers and men, when so called out, shall, without any further or other appointment, and without taking any oath of office, be special constables, and shall be considered to act as such so long as they remain so called out, but they shall act only as a military body, and shall be individually liable to obey the orders of their military commanding officer only. They shall be paid when so employed the rates authorized to be paid for actual service to officers, non-commissioned officers and men, and one dollar per day for each horse actually and necessarily used by them, together with an allowance of one dollar to each officer, fifty cents to each non-commissioned officer and man

Duty of such officer and militia in that case.

Officers and men to be special constables.

Their pay and allowances.

man per day, in lieu of subsistence, and fifty cents per day in lieu of forage for each horse.

The said pay and allowances and the reasonable cost of transport to and from the place where the services of the force are required, may be paid by Order of the Governor in Council out of the Consolidated Revenue Fund of Canada. **Out of Con. Rev. Fund.**

4. The fifty-fourth section of the said Act thirty-first Victoria, chapter forty, is hereby amended by adding the following sub-section:— **Section 54, of 31 V., c. 40, amended.**

"2. Any land now held or hereafter acquired by Her Majesty for Militia purposes in connection with drill sheds, rifle ranges, armouries or such like uses, and found unnecessary to be retained for the same, may be sold or disposed of under Order of the Governor in Council; and if any portion of the cost of such lands, or of any building thereon has been defrayed by the municipality in which the land is situate, a fair proportion of the proceeds, to be determined by the Governor in Council, may be returned to such municipality or expended therein for other militia uses of a permanent nature." **Militia land not required may be disposed of.** **Application of proceeds.**

CHAP. 36.

An Act to amend and consolidate as amended the several enactments respecting the North-West Mounted Police Force.

[*Assented to* 15*th May*, 1879.]

WHEREAS it is expedient to amend, and consolidate as amended, the several Acts and parts of Acts relating to the North-West Mounted Police Force: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— **Preamble.**

1. So much of the Act passed in the thirty-sixth year of Her Majesty's reign, chapter thirty-five as relates to the Mounted Police Force and now remains unrepealed, and the Act passed in the thirty-seventh year of Her Majesty's reign, chapter twenty-two, amending the Act first cited, and the Act passed in the thirty-eighth year of Her Majesty's reign, chapter fifty, amending both the said Acts, and so much of the Act passed in the thirty-ninth year of Her Majesty's reign, chapter twenty-one, as relates to the employment and powers of the Mounted Police Force in the District of Keewatin, is and are hereby repealed: Provided **Acts and parts of Acts repealed. 36 V., c. 35, 37 V., c. 22, 38 V., c. 50.** **Part of 39 V., c. 21.**

Proviso: saving appointments, &c., under such enactments.

Provided always, that all appointments made and all things lawfully done under the enactments hereby repealed shall remain valid, unless and until it shall be otherwise ordered under this Act, and all proceedings commenced under the same may be continued under this Act, which shall not be construed as a new law, but as a consolidation and continuation of the said repealed enactments, with and subject to the amendments hereby made.

Interpretation clause.

2. The expression "Member of the Force," or "Member," when used in this Act, shall be construed as including the Commissioner and all other officers, non-commissioned officers and men of the Police Force hereinafter mentioned.

Police Force and officers may be constituted by Governor.

3. The Governor in Council may constitute a Police Force in and for the North-West Territories, to be known as "*The North-West Mounted Police*," and the Governor may, from time to time, as may be found necessary, appoint by commission a Commissioner of Police, an Assistant Commissioner of Police, and one or more staff and other Superintendents and Inspectors, Surgeons, Assistant Surgeons, and Veterinary Surgeons, of the Police, each of whom shall hold office during pleasure.

Commissioner.

4. The Commissioner of Police shall perform such duties and be subject to the control, orders and authority of such person or persons as may, from time to time, be named by the Governor in Council for that purpose.

Constables and non-commissioned officers.

5. The Governor in Council may, from time to time, authorize the Commissioner of Police to appoint, by warrant under his hand, such number of constables as he may think proper, not exceeding in the whole three hundred men, and to appoint from among them non-commissioned officers of different grades, and the Commissioner may delegate this authority to any commissioned officer of the force; and such number thereof shall be mounted as the Governor in Council may, at any time, direct: Provided that the Commissioner may appoint supernumerary constables not exceeding in the whole ten men, in order to fill vacancies in the force, and may employ not exceeding in the whole ten men as scouts, at such rates of pay as may be authorized by the Minister charged with the control and management of the force: Provided further, that the Governor in Council may, in case of emergency or impending trouble, increase the force to a number not exceeding in the whole five hundred men.

Supernumerary constables and scouts.

Increase of force in case of emergency.

Qualification of members of the force.

6. No officer or constable shall be appointed to the police force unless he be of a sound constitution, able to ride, active and able-bodied, of good character, and between the ages of eighteen and forty years; nor unless he be able to read and write either the English or French language.

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7. No person shall exercise any office in the said force until he shall have taken the oath of allegiance in the following form:— Oaths of allegiance and of office.

"I A. B. do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Dominion of Canada, dependent on and belonging to the said Kingdom; and that I will defend Her to the utmost of my power against all traitorous conspiracies or attempts whatever, which shall be made against Her Person, Crown and Dignity, and that I will do my utmost endeavour to disclose and make known to Her Majesty, Her Heirs and Successors, all treasons and traitorous conspiracies and attempts which I shall know to be against Her, or any of them; and all this I do swear without any equivocation, mental evasion, or secret reservation. So help me God." Of allegiance.

And the following oath of office:—

"I. A. B., solemnly swear that I will faithfully, diligently and impartially execute and perform the duties required of me as a member of the North-West Mounted Police Force, and will well and truly obey and perform all lawful orders and instructions which I shall receive as such, without fear, favour or affection of or towards any person or party whomsoever. So help me God." Of office.

And such oaths may be taken by the Commissioner before any Judge, Stipendiary Magistrate, or Justice of the Peace having jurisdiction in the North-West Territories, and by any other member of the force, before the Commissioner of Police, or any person having such jurisdiction as aforesaid; and such oaths shall be retained by the Commissioner as part of the records of his office. By whom to be administered and kept.

8. The Commissioner and the Assistant Commissioner shall respectively have all the powers of a Stipendiary Magistrate under this or any other Act in force in the North-West Territories; the Superintendents, and such other officers as the Governor in Council may approve, shall be *ex-officio* Justices of the Peace; and every constable of the force shall be a constable in and for the whole of the North-West Territories for carrying out any laws or ordinances in force therein, and also in every Province in the Dominion for the purpose of carrying out the criminal and other laws of the Dominion. Powers of officers and constables of the force.

9. Every constable shall, upon appointment to the said force, sign articles of engagement for a term of service not exceeding five years, unless he be previously dismissed or discharged therefrom by the Commissioner. The engagement shall be contracted to the Commissioner, and may be enforced by the Commissioner for the time being. Conditions and articles of engagement. How enforced.

10.

Free grants of land for good service.

10. The Governor in Council may, from and out of any of the lands of the Dominion in the Province of Manitoba or in the North-West Territories, make a free grant not exceeding one hundred and sixty acres, to any member of the said force, who may enter the force before the first day of July next after the passing of this Act, and who, at the expiration of five years of continuous service in the said force, shall be certified by the Commissioner to have conducted himself satisfactorily, and to have efficiently and ably performed the duties of his office during the said term of five years.

Head quarters of the force.

11. The Governor in Council shall appoint the place at which the Head Quarters of the force shall, from time to time, be kept; and the office of the Commissioner shall be kept there, and the same may be at any place in the North-West Territories.

Duties of the force.

12. It shall be the duty of the force, subject to the orders of the Commissioner,—

Prevention of crime.

1. To perform all duties which now are or shall be hereafter assigned to constables in relation to the preservation of the peace, the prevention of crime, and of offences against the laws and ordinances in force in the North-West Territories, and the criminal and other laws of the Dominion, and the apprehension of criminals and offenders, and others who may be lawfully taken into custody;

Attending judges, &c.

2. To attend upon any Judge, Stipendiary Magistrate, or Justice of the Peace when specially required, and to execute all warrants, and perform all duties and services in relation thereto, which may, under this Act or the laws and ordinances in force in the North-West Territories, or the criminal or other laws of the Dominion, lawfully be performed by constables;

Conveying prisoners.

3. To perform all duties which may be lawfully performed by constables in relation to the escort and conveyance of convicts and other prisoners and lunatics, to or from any courts, places of punishment or confinement, asylums or other places;

Making searches for intoxicating liquors;

4. Upon information, or upon reasonable grounds of suspicion, and without the necessity of any intervention or process of law, to enter any shop, store, hut, tent, wigwam, dwelling or building, or place or enclosure (but no constable shall so enter any hut, tent, wigwam, or dwelling, unless accompanied by or under orders of a commissioned officer); and also to enter, and for such purpose to stop and detain while travelling, any vessel, canoe, carriage, waggon, cart, sleigh, or other vehicle or means of conveyance of any description, and to dig in, rummage, and search all parts thereof, and

and any kegs, barrels, cases, boxes, or packages, or receptacles of any kind, for spirits, strong waters, spirituous liquors, wines, or fermented or compounded liquors or intoxicating drink of any kind; and any such kegs, barrels, cases, boxes, or packages or other receptacles of any kind whatever, found containing the same, to break up and utterly destroy,—and all spirits, strong waters, spirituous liquors, wines, or fermented or compounded liquors or intoxicating drink, to pour out, spill, waste and utterly to destroy forthwith; And destroying the same.

5. And for these purposes and the performance of all the duties assigned to them by or under the authority of this Act, they shall in addition to the powers and duties conferred or imposed by this Act, have all the powers, authority, protection and privileges which any constable has or shall hereafter by law have. Powers for such purposes.

13. The Governor in Council may establish the precedence and rank of the several commissioned officers, and from time to time make rules and regulations for any of the following purposes, viz:—to regulate and prescribe the clothing, arms, training and discipline of the force; to regulate and prescribe the duties and authorities of the Commissioner and the other members of the force, and the several places at or near which the same, or the force, or any portions thereof, may from time to time be stationed; and generally all and every such matters and things for the good government, discipline and guidance of the force as are not inconsistent with this Act. Governor in Council may make regulations and for what purpose.

14. Any member of the force convicted of—— Certain offences by members of the force,—

Disobeying the lawful command of, or striking his superior, or——

Oppressive or tyrannical conduct towards his inferior, or——

Intoxication, however slight, or——

Having intoxicating liquor illegally in his possession or concealed, or——

Directly or indirectly receiving any gratuity without the Commissioner's sanction, or any bribe, or——

Wearing any party emblem, or——

Otherwise manifesting political partizanship, or——

Overholding any complaint, or——

Mutinous

Mutinous or insubordinate conduct, or——

Unduly overholding any allowances or any other public money entrusted to him, or——

Misapplying any money or goods levied under any warrant or taken from any prisoner, or——

Divulging any matter or thing which it may be his duty to keep secret, or——

Making any anonymous complaint to the Government or the Commissioner, or——

Communicating, without the Commissioner's authority, either directly or indirectly to the public press, any matter or thing touching the force, or——

Wilfully or through negligence or connivance allowing any prisoner to escape, or——

Using any cruel, harsh or unnecessary violence towards any prisoner or other person, or——

Leaving any post on which he has been placed as sentry or on other duty, or——

Deserting or absenting himself from his duties or quarters without leave, or——

Scandalous or infamous behavior, or——

Disgraceful, profane or grossly immoral conduct, or——

Violating any standing order, rule or regulation, or any order, rule or regulation hereafter to be made, or——

Any disorder or neglect to the prejudice of morality or discipline, though not specified in this Act or in any lawful rules or regulations,——

To be breaches of discipline.

Shall be held to have committed a breach of discipline, and——

Trial and punishment for the same.

The Commissioner, Assistant Commissioner or the Superintendent commanding at any post, or such other officer as may be thereunto empowered by the Commissioner, may, forthwith, on a charge in writing of any one or more of the foregoing offences being preferred against any member of the force other than a commissioned officer, cause the party so charged to be brought before him, and he shall then and there, in a summary way, investigate the said charge or charges,

charges, and on oath if he thinks fit, and if proved to his satisfaction shall thereof convict the offender, who shall suffer such punishment, either by fine not exceeding one month's pay, or imprisonment for a term not exceeding six months in any gaol at hard labour, or both, as the convicting officer shall in his discretion order, in addition to and besides any punishment to which the offender may be liable under any law in force in the North-West Territories, or in any Province in which the offence may be committed, in respect of such offence.

15. All pecuniary penalties so imposed shall form a fund to be managed by the Commissioner with the approval of the Minister charged with the control and management of the force, and be applicable to the payment of rewards for good conduct or meritorious services, to the establishment of libraries and recreation rooms, and such other objects as the Minister may approve for the benefit of the members of the force. **Application of pecuniary penalties.**

16. Any commissioned officer or other member of the force when discharged or dismissed shall forthwith deliver up to the Commissioner or to a commissioned officer or to any constable authorized to receive the same, his clothing, arms, accoutrements and all property of the Crown in his possession as a member of the force or used for police purposes,—and in case of his refusing or neglecting so to do, shall incur a penalty of fifty dollars, in addition to the value of the articles not delivered up; and the penalty and value aforesaid shall be recoverable with costs of prosecution by summary conviction before any Stipendiary Magistrate, or Justice of the Peace having jurisdiction in the North-West Territories—who, in case of non-payment of the penalty and value aforesaid and costs immediately after conviction, may in his discretion levy the same by distress and sale, or commit the person so convicted and making default in payment of the said penalty and value aforesaid and costs, to any common gaol or house of correction or lock-up house within the North-West Territories, for a period not exceeding six months, unless the said penalty, value and costs be sooner paid. **Enforcing delivery of arms, &c., by members of the force dismissed or suspended.**

17. Whenever the Commissioner shall deem it advisable to make or cause to be made any special enquiry into the conduct of any commissioned officer, or other member of the force, or into any complaint against any of them, he or the commissioned officer or officers whom he may appoint for that purpose, may examine any person on oath or affirmation, and shall have power to, and may compel the attendance of any necessary witnesses, in the same way as if the proceedings were before justices, under the "*Act respecting the duties of Justices of the Peace, out of sessions, in relation to persons charged with indictable offences.*" **Inquiries respecting members of the force.**

18.

Punishment for unlawfully buying or selling arms, &c., or refusing to deliver them up.

18. If any person unlawfully disposes of, receives, buys or sells, or has in his possession without lawful cause, or refuses to deliver up when thereunto lawfully required, any horse, vehicle, harness, arms, accoutrements, clothing or other thing used for police purposes, such person shall thereby incur a penalty of double the value thereof, and be subject to a further fine not exceeding twenty-five dollars and in default of payment forthwith, to imprisonment for any period not exceeding three months.

Or for deserting or refusing to do duty.

19. If any constable, during his engagement in the said force, having deserted, absented himself from his duties without leave, or refused to do duty therein, be found in any part of Canada other than the North-West Territories, and on being served with a notice signed by any commissioned officer of the force, requiring him to return to his duty, or being orally so required by such officer, neglects or refuses to return to his duty, such offender shall, on conviction thereof, be liable to forfeit and pay for every such offence any sum not exceeding one hundred dollars or to be imprisoned and kept to hard labour for any term not exceeding twelve months, or both ; and upon the trial of any offender under this section it shall not be necessary to produce or give in evidence the original engagement or agreement to serve in the force, signed by such offender, but such engagement may be proved by parol evidence, or by a certificate purporting to be signed by the Commissioner, Assistant Commissioner, or any Superintendent or Inspector of the force, giving the date and period of such engagement ; and it shall not be necessary *primâ facie* to prove the signature to such certificate, which shall be held to be genuine, unless it be expressly alleged by the offender not to be so.

Evidence in such case.

Prosecution o be under 32, 33 V., c. 31.

20. Offenders under the two next preceding sections may be prosecuted before the Commissioner, or a Stipendiary Magistrate, or any Justice of the Peace in any part of Canada, and the several provisions of the laws in force respecting the duties of Justices of the Peace, out of Sessions, in relation to summary convictions and orders, shall apply to such prosecutions.

Arrest of constable resisting authority of officer.

21. Any constable refusing to obey an order distinctly given by, or resisting the authority of a superior officer of the force, may be forthwith placed under arrest and detained in custody to be dealt with under the provisions of this Act.

Governor in Council to fix rates of pay within certain limits.

22. It shall be lawful for the Governor in Council, from time to time, to fix the sums to be paid to the Commissioner and other members of the force,—regard being had to the number of constables, from time to time, actually organized and enrolled, and the consequent responsibility attaching to their offices aforesaid respectively, and to the nature of the duty or service and amount of labour devolved

upon

upon them; but such sums shall not exceed the amounts following, that is to say:—

	Per annum.
Commissioner of Police	$2,600
Assistant Commissioner	1,600
Each Superintendent	1,400
Each Inspector	1,000
Each Surgeon or Assistant Surgeon	1,400
Each Veterinary Surgeon	700

Staff Constables, $ 1.50 per day.
Other Non-Commissioned Officers, $1 per day.
And Constables seventy-five cents per day.

23. The Governor in Council may authorize arrangements to be made with any Surgeon or Veterinary Surgeon to perform the duties of Surgeon or Veterinary Surgeon respectively for the said force as to any portions or detachments thereof, and may pay reasonable and proper remuneration for any services so rendered. Surgeons and veterinary surgeons.

24. The Governor in Council may also, from time to time, regulate and prescribe the amounts to be paid for the purchase of horses, vehicles, harness, saddlery, clothing, arms and accoutrements, or articles necessary for the said force; and also the expenses of travelling, and of rations, or of boarding or billeting the force, and of forage for the horses. Purchase of horses, arms, &c.

25. The Governor in Council may make regulations for the quartering, billeting and cantoning of the force or any portions or detachments thereof; and for the furnishing of boats, carriages, vehicles of transport, horses and other conveyances for their transport and use, and for giving adequate compensation therefor; and may, by such regulations, impose fines not exceeding two hundred dollars for breach of any regulation aforesaid, or for refusing to billet any of the said force, or to furnish transport as herein mentioned. But no such regulations shall authorize the quartering or billeting of any of the force in any nunnery or convent or upon any religious order of females. Regulations for quartering the force &c. Fines for breach thereof. Proviso.

26. All sums of money required to defray any expense authorized by this Act may be paid out of the Consolidated Revenue Fund of Canada. Payment of moneys.

27. A separate account shall be kept of all moneys expended under this Act, and a detailed statement thereof shall be laid before Parliament at each session thereof. Accounts.

28 All regulations or Orders in Council made under this Act shall be published in the *Canada Gazette*, and shall thereupon Regulations, &c., to have force of law.

thereupon have the force of law from the date of their publication, or from such later date as may be therein appointed for their coming into force; and a copy of any such regulations purporting to be printed by the Queen's Printer shall be *primâ facie* evidence thereof.

Publication and proof.

What department shall have the management and control of the force.

29. The Department of the Interior shall have the control and management of the Police Force, and of all matters connected therewith; but the Governor in Council may, at any time, order that the same shall be transferred to any other Department of the Civil Service of Canada, and the same shall accordingly, by such order, be so transferred to and be under the control and management of such other Department.

Arrangements with any Province for use of the force.

30. The Governor in Council may, from time to time, enter into arrangements with the Government of any Province of the Dominion for the use or employment of the said Police Force, or any portion thereof, in aiding the administration of justice in such Province, and in carrying into effect the laws of the Legislature thereof; and may, in any such arrangement, agree upon and determine the amount of money which shall be paid by the Province using the same in respect of such services of the said force.

Superannuation Acts to apply to the force.

31 The Acts thirty-third Victoria, chapter four; thirty-sixth Victoria, chapter thirty-two; and thirty-eighth Victoria chapter nine, providing for the superannuation of officers employed in the public service of the Dominion, shall apply to all commissioned officers of the North-West Mounted Police.

Act to apply to the district of Keewatin. Force to be under Lieutenant-Governor.

32. This Act shall be in force in the District of Keewatin and apply to it; and the Lieutenant-Governor of the said District shall (but subject to any order in that behalf from the Governor-General) have the local disposition of the said force in such numbers and to such extent as the Governor-General may direct, and may exercise such power in aid of the administration of civil and criminal justice, and for the general peace, order and good government of the said district, and for and in aid of the performance of all duties assigned by the laws in force in the said district to any constables or officers therein.

CHAP. 37.

An Act to amend "An Act respecting Police of Canada."

[*Assented to 15th May,* 1879.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The first section of the Act passed in the thirty-first year of Her Majesty's reign, A. D. eighteen hundred and sixty-eight, chapter seventy-three, intituled "*An Act respecting Police of Canada,*" is hereby repealed, and the following section substituted therefor:— Sec. 1 of 31 V., c. 73 repealed.

"**1.** The Governor in Council may, from time to time, appoint by commission under the Great Seal one or more fit and proper persons to be and act as a Commissioner or Commissioners of Police within the Dominion of Canada, or in one or more of the Provinces, or Districts, or Territories of Canada, or within any one or more of the districts or counties in any Province, or District, or Territory, or within any temporary judicial district, or any provisional judicial district in Ontario." Governor may appoint a Commissioner of Police.

2. The fourth section of the said Act is hereby repealed, and the following section substituted therefor:— Sec. 4 of 31 V., c. 73 repealed.

"**4.** Every Commissioner of Police appointed under this Act shall, for the purpose of carrying out the criminal laws and other laws of the Dominion only, have and exercise within the limits of his jurisdiction, all the powers and authority, rights and privileges, by law appertaining to Justices of the Peace generally, and shall, within the limits of his jurisdiction within any Province, have, and exercise for the purpose aforesaid, all the powers and authority, rights and privileges by law appertaining to Police Magistrates of cities in the same Province; and shall, within the limits of his jurisdiction in any of the Territories or Districts ot Canada, have and exercise for the purpose aforesaid, all the powers and authority, rights and privileges by law appertaining to Stipendiary Magistrates in the same District or Territory, and shall be subject in all respects, except as otherwise provided by this Act, to the regulations of the law of the Province, District, or Territory in which he may be acting, respecting Police Magistrates and the office of Justice of the Peace; but it shall not be necessary for any Commissioner of Police appointed under this Act to possess any property qualification, or to be actually resident within the Province, District or Territory, for which, or part of which, he may have been appointed." Powers, &c., of Commissioners of Police in carrying out the laws of the Dominion. No property qualification required.

CHAP. 38.

An Act respecting the safe keeping of dangerous Lunatics in the North-West Territories.

[*Assented to* 15*th May*, 1879.]

Preamble. HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Dangerous lunatics may be sent to Penitentiary at Stony Mountain : **1.** Whenever under any ordinance now made, or hereafter to be made, by the Lieutenant-Governor and Council of the North-West Territories, any person is found and adjudged to be insane, and dangerous to be at large, and is committed to custody as a dangerous lunatic until the pleasure of the Lieutenant-Governor is known, or until such person is discharged by law, the Governor-General in Council may, upon being satisfied that such person is afflicted with permanent insanity, authorize the Lieutenant Governor to cause him to be removed to the penitentiary, at Stony Mountain, in Manitoba; and the warden of such penitentiary shall receive such person and detain him therein until the pleasure of the Governor-General in Council is known, or until such person is discharged by law. **And detained there.**

Although imprisoned for crime. **2.** Such person may be so removed to the said penitentiary, notwithstanding that he may, at the time, be undergoing imprisonment for a criminal offence.

Provision for retaking in case of escape. **3.** In case any insane person confined in the said penitentiary, under this Act, escapes therefrom, it shall be lawful for any of the officers or servants of the said penitentiary, or for any other person or persons at the request of such officers or servants, or any of them, within forty-eight hours after such escape where no warrant has been issued, and within one month after such escape where a warrant in the form given in the schedule of this Act has been issued by the warden of the said penitentiary in that behalf, to retake such escaped person and to return him to the said Penitentiary; and he shall remain in custody therein under the authority by virtue of which he was detained prior to such escape. **Form of warrant.**

SCHEDULE.

Warrant to retake escaped patient—Stony Mountain Penitentiary.

To   and all or any of the Peace Officers, in the *County* of   .

Whereas, on the   day of   last past,

past, being within one month from the date hereof, A. B., an insane person confined in the Penitentiary, at Stony Mountain, of which I, am Warden, did escape from the said Penitentiary:

These are therefore to authorize and command you, or any of you, the said Constables or Peace Officers in Her Majesty's name at any time within one month from the date of the said escape, to retake the said A. B., and safely convey him to this Penitentiary and deliver him into my charge.

Given under my hand and seal this day of in the year of Our Lord at , in the County aforesaid.

Signature [L.S.]
Warden.

CHAP. 39.

An Act further to amend "The Supreme and Exchequer Court Act."

[*Assented to* 15*th May*, 1879.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— **Preamble.**

1. Subject to the provisions hereinafter contained, an appeal shall lie to the Supreme Court of Canada from any decree, decretal order, or order made in any suit, cause, matter or other judicial proceeding originally instituted in any superior court of equity in any Province of Canada, other than the Province of Quebec, and from any decree, decretal order, or order in any action, suit, cause, matter or judicial proceeding in the nature of a suit or proceeding in equity which shall have been originally instituted in any superior court in any Province of Canada other than the Province of Quebec. **Appeal in equity cases, or in the nature of equity cases, originally instituted in any Superior Court, in any Province except Quebec.**

2. No appeal shall lie from any order made in any action, suit, cause, matter or other judicial proceeding which shall have been made in the exercise of the judicial discretion of the court or judge making the same; but this exception shall not include decrees and decretal orders in suits, causes, matters or other judicial proceedings in equity, or in actions or suits, causes, matters, or other judicial proceedings in the nature of suits or proceedings in equity instituted in any superior court. **No appeal from orders made in exercise of judicial discretion.** **Exception, as to equity cases.**

Appeal from final judgments only in Superior Courts of Law, or in Superior Court Quebec.

3. An appeal shall lie from final judgments only in actions, suits, causes, matters and other judicial proceedings originally instituted in the Superior Court of the Province of Quebec, or originally instituted in a superior court of common law in any of the Provinces of Canada other than the Province of Quebec.

Appeal from judgment setting aside award in any Superior Court, except in Quebec.

4. An appeal shall lie to the Supreme Court from the judgment, rule, order or decision upon any motion to set aside an award, or upon any motion by way of appeal from an award made in any superior court of law or equity in any of the Provinces of Canada other than the Province of Quebec.

Appeal to lie only from highest Court of last resort in the Province; except as hereinafter provided.

5. Except as hereinafter provided for, no appeal shall lie to the Supreme Court, but from the highest court of last resort having jurisdiction in the Province in which the action, suit, cause, matter or other judicial proceeding was originally instituted, whether the judgment or decision in such action, suit, cause, matter or other judicial proceeding may or may not have been a proper subject of appeal to such highest court of last resort.

Appeal by leave, from final judgment of a Superior Court, without intermediate appeal to provincial Court of Appeal.

Except in Quebec.

6. An appeal shall lie to the said Supreme Court by leave of the said last-mentioned court, or a judge thereof, from any decree, decretal order, or order made or pronounced by a superior court of equity, or made or pronounced by any equity judge or by any superior court in any action, cause, matter or other judicial proceeding in the nature of a suit or proceeding in equity, and from the final judgment of any superior court of any Province other than the Province of Quebec, in any action, suit, cause, matter or other judicial proceeding originally commenced in such superior court, without any intermediate appeal being had to any intermediate court of appeal in the Province.

Next preceding section not to prevent appeals in equity cases above provided for.

7. Nothing in the next preceding section contained shall be taken to prejudice or affect the appeal as of right from all final judgments, and from decrees, decretal orders, and orders in suits, causes and matters or other judicial proceedings in equity, already provided for by this Act.

No appeal in Quebec except in certain cases; and then only from Court of Queen's Bench.

8. No appeal shall be allowed from any judgment rendered in the Province of Quebec in any action, suit, cause, matter or other judicial proceeding, wherein the matter in controversy does not amount to the sum or value of two thousand dollars, unless such matter, if less than that amount, involves the question of the validity of an Act of the Parliament of Canada, or of the Legislature of any of the Provinces of Canada, or of an Ordinance or Act of any of the Councils or legislative bodies of any of the Territories or Districts

Districts of Canada, or relates to any fee of office, duty, rent, revenue or any sum of money payable to Her Majesty, or to any title to lands or tenements, annual rents or such like matters or things where the rights in future might be bound: Provided that such appeals shall be from the Court of Queen's Bench only. Proviso.

9. The words "final judgment" in this Act contained, mean any judgment, rule, order or decision, whereby the action, suit, cause, matter or other judicial proceeding, is finally determined and concluded Interpretation of term "final judgment."

10. An appeal shall lie to the Supreme Court from the judgment, rule, order or decision of any court or judge on any preliminary objection to an election petition, the allowance of which shall have been final and conclusive, and which shall have put an end to the petition, or which would, if allowed, have been final and conclusive and have put an end to the petition: Provided always, that an appeal in the last-mentioned case shall not operate as a stay of proceedings or to delay the trial of the petition, unless the court, or a judge of the court appealed from, shall so order; and provided also, that no appeals shall be allowed under this section in cases in litigation and now pending, except cases when the appeal has been allowed and duly filed. Appeal on preliminary objection to an Election Petition, in certain cases. Proviso: as to stay of proceedings. Proviso: as to cases now pending.

11. Appeals in Exchequer cases, cases of rules for new trials and cases of mandamus, habeas corpus and municipal by-laws shall not be in any way affected by the provisions of this Act. Appeals in certain classes of cases not affected.

12. The oath of office, to be taken by a Judge of the said Supreme and Exchequer Court previously to his exercising the duties of his office as required by "*The Supreme and Exchequer Court Act,*" may, in the absence or illness of the Chief Justice, be administered by any other judge of the court present at Ottawa. As to administration of oath of office to a Judge of the Court.

13. It is hereby declared that the true construction and meaning of the said Supreme and Exchequer Court Act shall be taken and deemed to have been and to be, that all orders, decretal orders, decrees and decisions of any superior court made in any suit, cause, matter or other judicial proceeding in equity, or in any action, suit, cause, matter or other judicial proceeding in the nature of a suit or proceeding in equity are, and always have been, the proper subjects of appeal to the said Supreme Court, subject however, to the provision in the said Act contained, that an appeal shall lie only from the highest court of final resort in the Province: Provided always, that nothing herein contained shall apply to any case already argued and now standing for judgment, or to any case set down for hearing, in which objection as to the jurisdiction of the court has been made. Intent of Act as to appeals in cases in equity or in the nature of cases in equity, declared. Exception as to cases now pending.

14.

Section 31 amended.

14. Section thirty-one of "*The Supreme and Exchequer Court Act*" is hereby amended by inserting after the word "thereof," in the sixth line, the words, "or to the satisfaction "of the Supreme Court or a judge thereof."

Appeals to be set down for hearing in a list to be divided into three parts, numbered and headed.

15. The appeals set down for hearing shall be entered, by the registrar of the court, on a list, divided into three parts, and to be numbered and headed as follows: "Number one, Maritime Province cases;" "Number two, Quebec cases;" "Number three, Ontario cases." And it shall be the duty of the registrar to enter all cases from the Maritime Provinces on part numbered one, and all cases from the Province of Quebec on part numbered two, and all cases from the Provinces of Ontario, Manitoba and British Columbia on part numbered three, in the order in which they are respectively received; and the said cases shall be taken and disposed of in the order in which they are so entered, unless otherwise ordered by the court.

Order of hearing and disposing of them.

Section 13 repealed.

16. Section thirteen of "*The Supreme and Exchequer Court Act*," is hereby repealed, and the following is substituted in lieu thereof:—

New provision—Three sessions yearly.

"13. The said Supreme Court, for the purpose of hearing "and determining appeals, shall hold annually, at the City of "Ottawa, three sessions; the first beginning on the third "Tuesday of February; the second, on the first Tuesday in "May, and the third, on the fourth Tuesday in October, in "each year; and each of the said sessions shall be continued "until the business before the court shall have been dis-"posed of."

Proviso: as to June session, 1879.

17. Section sixteen of this Act shall not apply to interfere in any way with the sitting of the said court about to be held in the month of June in the present year, which shall be held as if section sixteen of this Act had not been passed.

Section 12 amended.

18. Section 12 (twelve) of the said Act, passed in the thirty-eighth year of Her Majesty's Reign, is hereby amended by adding thereto the following proviso, which shall be read as if the same had been originally part of such twelfth section:—

Proviso added. Judgment may be given by a majority of Judges who have heard the case.

Provided always, that it shall not be necessary for all the judges who may have heard the argument in any case to be present in order to constitute the court for delivery of judgment in such case, but that notwithstanding the absence of any of such judges, from illness or any other cause, judgment may be delivered by a majority of the judges who were present at the hearing of the appeal, and any of the judges who may have heard the appeal, and may be absent at the delivery of judgment, may cause to be delivered to any

Rights of absent Judges.

any judge present at the delivery of judgment, his judgment in writing, to be read or announced in open court, and then delivered to or left with the registrar or reporter of the court.

19. This Act may be cited as "*The Supreme Court Amendment Act of* 1879." **Short title.**

CHAP. 40.

An Act to amend "The Maritime Jurisdiction Act, 1877."

[*Assented to* 15*th May*, 1879.]

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— **Preamble.**

1. No right or remedy *in rem* given by "*The Maritime Jurisdiction Act*, 1877," shall be enforced as against any *bonâ fide* mortgagee under a mortgage duly executed and registered prior to the first day of October one thousand eight hundred and seventy-eight. **Rights of certain mortgagees protected. 40 V., c. 21.**

2. No right or remedy *in rem* given by the said Act in respect of claims for towage, or claims for damage done by collision by any ship, shall be enforced as against any *bonâ fide* mortgagee, whose mortgage is duly executed and registered at a port of either of the Provinces of Ontario or Quebec. **And as to towage and damage by collision.**

CHAP. 41.

An Act to continue in force for a limited time "The better Prevention of Crime Act, 1878."

[*Assented to* 15*th May*, 1879.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— **Preamble.**

1. The Act passed in the forty-first year of Her Majesty's reign, chapter seventeen, and intituled "*An Act for the better* **Act 41 V., c. 17 continued to end of next Session.**

better prevention of crimes of violence in certain parts of Canada, until the end of the next Session of Parliament," shall continue in force until the end of the now next ensuing Session of Parliament; and any proclamation heretofore issued thereunder shall continue in force until such proclamation is revoked by proclamation in the manner provided by the said Act, or until the expiration of the said Act, whichever shall first happen.

As to proclamations under it.

CHAP. 42.

An Act to amend "The Penitentiary Act, 1875."

[*Assented to* 15*th May*, 1879.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sub-section 4 of section 44 of 38 V. c. 44 amended.

Proviso added. As to allowance of money to convicts discharged.

1, Sub-section four of section forty-four of the Act passed in the thirty-eighth year of Her Majesty's Reign (A.D., one thousand eight hundred and seventy-five) chaptered forty-four, and intituled "*An Act respecting Penitentiaries and the inspection thereof, and for other purposes,*" is hereby amended by adding thereto the words "Provided that, should the warden be of opinion that a convict, on being discharged, does not intend *bonâ fide* to return to the place at which he received his sentence, but intends to go to some other place nearer the penitentiary, then such convict shall be furnished with such less sum of money as shall, in the warden's opinion, be sufficient to pay his travelling expenses to such nearer place."

Governor in Council may appoint an Accountant of Penitentiaries.

His powers and duties.

Inspector relieved from them.

2. The Governor in Council may appoint a fit and proper person to be the Accountant of Penitentiaries, who shall be an officer of the Department of Justice, and who shall receive such salary as may be voted by Parliament. He shall be charged generally with the direction, inspection, and audit of the books, accounts, money transactions, and financial affairs of the penitentiaries, and with such other powers and duties with which the inspector is now charged as may be assigned to him by Order of the Governor in Council; and from and after the appointment of such accountant, the powers and duties of the inspector in respect of the matters with which the accountant may be charged shall cease.

3.

3. The sixty-eighth section of the said Act is hereby repealed, and the following substituted therefor: For and notwithstanding anything to the contrary contained in the Act made and passed by the Parliament of Canada in the session held in the thirty-second and thirty-third years of Her Majesty's reign, chaptered twenty-nine, and intituled "*An Act respecting Procedure in Criminal cases, and other matters relating to Criminal Law*," or in any other Act of the Parliament of Canada, no person sentenced in New Brunswick or Nova Scotia to imprisonment with hard labour for less than two years shall, after such day as the Governor in Council may, by proclamation, declare to be that on which the St. John Penitentiary and the Halifax Penitentiary, respectively, shall cease to be a penitentiary, be received or imprisoned in such penitentiary.

Section 68 repealed and new provision made, superseding that in 32-33 V., c. 29, as to convicts in N.B. or N.S.

CHAP. 43.

An Act respecting the "Andrew Mercer Ontario Reformatory for Females."

[*Assented to 15th May*, 1879.]

WHEREAS the Legislature of the Province of Ontario has passed an Act for the establishment of a Reformatory prison for females, to be called the "*Andrew Mercer Ontario Reformatory for Females*," and it is expedient that provision should be made for the confinement therein of the female offenders hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble. 42 V., c. 38. Name of Reformatory.

1. After a proclamation has been issued by the Lieutenant-Governor of the Province of Ontario, declaring the prison buildings now being erected in the City of Toronto as the "*Andrew Mercer Ontario Reformatory for Females*," to be open for the reception, confinement and employment of female offenders, every court in Ontario before which any female is convicted of an offence against the laws of Canada, punishable by imprisonment in the common gaol for the period of two months, or for any longer time, may sentence such female to imprisonment in the said Reformatory instead of the common gaol of the county or judicial district where the offence was committed or was tried; but this section shall not authorize the imposition of such sentence by any Justice of the Peace or Police or Stipendiary Magistrate.

After proclamation of Lt.-Governor, female offenders may be sentenced to imprisonment in it.

2.

Certain offenders may be sent to it from other gaols to finish their term of imprisonment.

2. After any proclamation shall have been issued as aforesaid, any female, from time to time confined in any common gaol in the said Province, under sentence of imprisonment, upon summary conviction before a Justice of the Peace or a Police or Stipendiary Magistrate, for any offence against the laws of Canada, may, by direction of the Provincial Secretary, be transferred from such common gaol to the said Reformatory, to be imprisoned for the unexpired portion of the term of imprisonment to which such female was originally sentenced or committed to the common gaol; and such female shall thereupon be imprisoned in the Reformatory aforesaid, for the residue of the said term, and shall be subject to all the rules and regulations of the Reformatory.

And notwithstanding the imprisonment was for non-payment of fine.

3. Any female sentenced to imprisonment as aforesaid may be removed to the said Reformatory, notwithstanding such imprisonment or any part thereof is imposed in default of the payment of a fine or penalty in money, and that such offender is entitled to be discharged upon payment of such fine or penalty: in case the fine or penalty is paid after the removal of the offender, the same shall be paid to the proper officer of the said Reformatory to defray the expense of the removal of the said offender to the said Reformatory, and otherwise for the uses of the said Reformatory; but nothing herein contained shall affect the right of any private person to the said fine or any part thereof.

Offenders sentenced to Reformatory may be detained in gaol until transferred to it.

4. Any sheriff or other person having the custody of an offender sentenced to imprisonment in the said Reformatory, may detain the offender in the common gaol of the county or district in which she is sentenced, or other place of confinement in which she may be, until a Reformatory bailiff, or other person lawfully authorized in that behalf, requires her delivery for the purpose of being conveyed to the Reformatory

Case of offender certified incapable of hard labour.

5. In case the gaol surgeon, or other medical practitioner acting in this behalf, certifies that any offender sentenced as aforesaid is in such a weak state of health that she is unable to perform hard labour, such offender may be detained in the common gaol, or other place of confinement in which she may be, until she is sufficiently recovered to be employed at hard labour.

Computation of term of imprisonment.

6. The time for which any person sentenced to imprisonment in the Reformatory is held in custody, under the provisions of the next two preceding sections, shall be reckoned in computing the time served by such person in the said Reformatory.

7.

7. Any officer appointed by the Lieutenant-Governor of the said Province, or other officer or person by his direction, or by direction of the court or other lawful authority, may convey to the Reformatory any convict sentenced, or liable to be imprisoned therein, and deliver her to the superintendent or keeper thereof, without any further warrant than a copy of the sentence, taken from the minutes of the court before which the offender was tried, and certified by a judge or the clerk or acting clerk of such court. **Power to convey offender to Reformatory.**

8. The Superintendent of the Reformatory shall receive into the same every offender legally certified to her as sentenced to imprisonment therein, and shall there detain her, subject to all the rules, regulations, and discipline thereof, until the time to which she has been sentenced shall be completed, or until she is otherwise discharged in due course of law. **Superintendent to receive prisoners, &c.**

9. The Lieutenant-Governor may, from time to time, by warrant signed by the Provincial Secretary, or by such other officer as may be authorized by the Lieutenant-Governor in Council in that behalf, direct the removal from the said Reformatory back to the common gaol, or to any other gaol in Ontario, of any person removed to the said Reformatory under this Act. **Power to re-transfer offenders to gaol.**

10. The Superintendent of the said Reformatory, or the keeper of any common gaol, having the custody of any offender ordered to be removed, shall, when required so to do, deliver up to the constable or other officer or person who produces the said warrant, the said offender, together with a copy, attested by the said superintendent or gaoler, of the sentence and date of conviction of such offender, as given him on the reception of the offender into his custody. **Superintendent to deliver prisoner to authorized person.**

11. Whenever the time of the sentence of any prisoner committed to the said Reformatory, for an offence against the laws of Canada, expires on a Sunday, she shall be discharged on the previous Saturday, unless she desires to remain until the following Monday. **As to discharge of prisoner from Reformatory.**

CHAP

CHAP. 44.

An Act to amend "An Act for the more speedy trial, in certain cases, of persons charged with felonies and misdemeanors, in the Provinces of Ontario and Quebec," and the Act respecting summary convictions before Justices of the Peace.

[*Assented to* 15*th May*, 1879.]

Preamble.

HER Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Short title of 32, 33 V., c. 35 and amending Acts.

1. The Act firstly cited in the title to this Act and passed in the session held in the thirty-second and thirty-third years of Her Majesty's Reign, and the Acts amending the same, may be cited together as the "*The Speedy Trials Acts.*"

Court held under the said Act in Ontario.

2. The court of record constituted by the said Act or Acts shall in Ontario be called, "The County Judge's Criminal Court" of the county or union of counties in which the same is held.

Offender may be charged with other offences than that for which he was committed.

3. The County Attorney or Clerk of the Peace may, with the consent of the judge, prefer against the prisoner a charge or charges for any offence or offences for which he may be tried at a Court of General Sessions of the Peace, other than the charge or charges for which he has been committed to gaol for trial, although such charge or charges do not appear or are not mentioned in the depositions upon which the prisoner was so committed.

Powers of the Judge in any case tried before him.

4. The judge shall, in any case tried before him, have the same power as to acquitting or convicting, or convicting of any other offence than that charged, as a jury would have in case the prisoner was tried at a sitting of the Court of General Sessions of the Peace, and may render any verdict which, upon a trial at a sitting of a Court of General Sessions of the Peace, can be rendered by a jury.

Judge may admit prisoner electing to be tried without a jury, to bail.

5. In case a prisoner elects to be tried by the judge without the intervention of a jury, the judge may, in his discretion, admit him to bail to appear for his trial, and extend the bail from time to time in case the court be adjourned or there be any other reason therefor; and such bail may be entered into and perfected before the Clerk of the Peace in open court.

6.

6. In case a prisoner elects to be tried by a jury the judge may, instead of remanding him to gaol, admit him to bail to appear for trial at such time and place and before such court as shall be determined upon; and such bail may be entered into and perfected before the Clerk of the Peace in open court. **Or if he elects to be tried by a jury.**

7. The judge may adjourn any trial from time to time until finally terminated. **Adjourning trial.**

8 The judge shall have all powers of amendment which the Court of General Sessions of the Peace would have in case the trial were before such court. **Powers of amendment.**

9. In this Act, as respects the Provinces of Quebec and Ontario, the word "Judge" has the meaning assigned to it in section eight of the Act thirty-second and thirty-third Victoria, chapter thirty-five, hereby amended; as respects the Province of Quebec, the expression "Court of General Sessions of the Peace" includes any court for the time being, discharging the functions of the said court; and as respects the Province of Manitoba, the said word and expression, and the expression "County Attorney or Clerk of the Peace," have the meanings assigned to them respectively, by the Act thirty-eighth Victoria, chapter fifty-four, extending the said amended Act to Manitoba; and the expression "Clerk of the Peace" in the fifth and sixth sections of this Act shall, in the said Province, mean the Prothonotary of the Court of Queen's Bench. **Interpretation of words, &c., in this Act.**

10. And in amendment of the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, chaptered thirty-one, respecting summary convictions before Justices of the Peace, it is enacted, that at the hearing of any appeal under the said Act or any Act amending it, any of the parties to the appeal may call witnesses and adduce evidence, who or which may not have been called or adduced at the original hearing; and the sixty-sixth section of the said Act is hereby amended accordingly; but this amendment shall not affect any proceedings or appeals now pending. **Act 32, 33 V., c. 31, s. 66 amended. As to evidence: in appeals under the said Act. Proviso.**

CHAP.

CHAP. 45.

An Act to amend the Act relating to Banks and Banking, and the Acts amending the same.

[*Assented to* 15*th May*, 1879.]

Preamble.

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 19 of 31 V., c. 5 repealed, and new section substituted for it.

1. The nineteenth section of the Act passed in the thirty-fourth year of Her Majesty's Reign and intituled "*An Act relating to Banks and Banking*," is hereby repealed, and the following substituted therefor:—

Shares personal estate.

"19. The shares of the capital stock of the bank shall be held and adjudged to be personal estate, and shall be assignable and transferable at the chief place of business of the bank, or at any of its branches which the directors shall appoint for that purpose, and according to such form as the directors shall prescribe; but no assignment or transfer shall be valid unless it be made and registered, and accepted by the party to whom the transfer is made, in a book or books to be kept by the directors for that purpose, nor until the person or persons making the same shall, if required by the bank, previously discharge all his, her or their debts or liabilities to the bank, which may exceed in amount the remaining stock, if any, belonging to such person or persons valued at the then current rate; and no fractional part or parts of a share, or less than a whole share, shall be assignable or transferable."

Transfers of shares not to be valid unless registered, and claims of bank discharged.

Fractions of shares not to be sold.

Conditions as to shares sold under execution.

"When any share of the said capital stock shall have been sold under a writ of execution, the officer by whom the writ shall have been executed shall, within thirty days after the sale, leave with the cashier, manager, or other officer of the bank, an attested copy of the writ, with the certificate of such officer endorsed thereon, certifying to whom the sale has been made; and thereupon (but not until after all debts or liabilities of the holder or holders of the share to the bank, and all liens existing in favour of the bank thereon, shall have been discharged as hereinafter provided), the president, vice-president, manager or cashier of the bank shall execute the transfer of the share so sold to the purchaser; and such transfer, being duly accepted, shall be, to all intents and purposes, as valid and effectual in law as if it had been executed by the holder or holders of the said share,—any law or usage to the contrary notwithstanding."

Transfer by President, &c., debts to the Bank being first paid.

2.

2. Section fifty-one of the said Act is hereby amended by striking out of the said section the words "the shares of the capital stock of any other bank," in the twenty-fourth line of the said section, and the word "stock," in the twenty-sixth line thereof; but this amendment shall not have any force or effect until the end of six months from the passing of this Act, nor as respects loans on the security of bank shares made and current at the time of the expiration of the said six months, or as respects any extension or renewal of such loans, until the end of the session of the Parliament of Canada next after the present, after which time the lien existing upon such shares as security for any loan, or the extension or renewal of any loan by any bank on the shares of the capital stock of any other bank, shall cease to attach thereto, or to create any charge or privilege thereon or on the proceeds thereof.

Section 51 of 31 V., c. 5, amended.

Proviso: when this section shall come into force.

3. It shall be the duty of every bank, within three months after the passing of this Act, to number its shares, from the number one consecutively onwards; and whenever any such share is transferred or assigned, or transmitted, such transfer, assignment or transmission shall bear and disclose the number which such share bears upon the register of the bank: and if any bank neglects to number its shares in the manner and within the period aforesaid, such bank shall thereby incur a penalty of one hundred dollars, and a further penalty of fifty dollars, for each day on which such neglect continues,—such penalty to be recovered and applied as provided in "*The Interpretation Act.*"

Banks to cause their shares to be numbered.

Penalty for not doing so.

4. Every contract or agreement made or entered into after the first day of October, One Thousand Eight Hundred and Seventy-nine, for the sale or transfer, or purporting to be for the sale or transfer of any share or shares, or of any stock or other interest in any bank in the Dominion of Canada, constituted under or regulated by the provisions of any Act of Parliament of the Dominion of Canada, or of any Royal Charter, the capital stock of which is held in shares transferable by any deed or written instrument, shall be null and void to all intents and purposes whatever, unless such contract or agreement sets forth and designates in writing such share or shares or interest by the respective numbers by which the same is or are distinguished, at the time of the making of such contract or agreement, on the register or books of such bank.

Agreements for sale after 1st October, to mention numbers of the shares conveyed.

5. Any person, whether principal, broker or agent, who wilfully inserts in any contract or agreement, for the sale or transfer of any share or interest in any such bank as aforesaid, any false number as being that which any share therein referred to bears in the register of shares in such bank, or who signs or enters into any such contract or agreement, without setting

Penalty for neglecting to insert numbers, or giving wrong numbers.

setting forth correctly the registered number of each share therein referred to, or wilfully inserts therein the number of any share which he has not lawful authority to sell or transfer, shall be guilty of a misdemeanour, and the provisions of sections sixty-six and sixty-seven of the Act, intituled "*An Act relating to Banks and Banking*," hereby amended, shall apply to any offence under this section, as if the said sections were incorporated herewith.

Misdemeanour.

Sects. 66 and 67 of 31 V., c. 5 to apply.

Interpretation.

6. The expression "contract or agreement" in the two next preceding sections includes any contract note or memorandum of agreement.

CHAP. 46.

An Act relating to the protest of Inland Bills of Exchange and Promissory Notes, in Nova Scotia.

[*Assented to* 15*th May*, 1879.]

Preamble.

WHEREAS it is desirable that the laws at present relating to the protest of foreign bills of exchange and promissory notes should be and become applicable to inland bills of exchange and promissory notes within the Province of Nova Scotia: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

How such bills and notes may be protested in Nova Scotia.

1. From and after the first day of July next after the passing of this Act, all bills of exchange and promissory notes drawn or made at any place in the said Province of Nova Scotia, for the sum of forty dollars and upwards, upon or in favour of any person or persons in the said Province of Nova Scotia, may, on default of the acceptance or payment thereof, be protested by a notary public; and such protest shall, in any action on such bill or note, be *primâ facie* evidence of presentation and dishonour, and also of service of notice of such presentation and dishonour as stated in such protest; for which protest there shall be charged a notarial fee of fifty cents for protest and twenty-five cents for each notice.

Effect of protest as evidence.

Fee.

AP.

CHAP. 47.

An Act to make the first day of July a Public Holiday, by the name of Dominion Day.

[*Assented to* 15*th May*, 1879.]

Preamble. WHEREAS it was on the first day of July that the Provinces of Canada, Nova Scotia and New Brunswick became one Dominion, under the name of Canada; and whereas Rupert's Land and the North-Western Territory, and the Province of British Columbia became part of the Dominion in the month of July, and Prince Edward Island became part of the Dominion on the first day of July; and whereas it is expedient that such important events should be commemorated: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

The first day of July to be a public holiday. 1. Throughout the Dominion of Canada, in each and every year, the first day of July, not being a Sunday, shall be a legal holiday, and shall be kept and observed as such, under the name of "Dominion Day."

Provision in case of first day of July being a Sunday. 2. When the first day of July is a Sunday, the second day of July shall be, in lieu thereof, throughout the Dominion, a legal holiday, and shall be kept and observed as such under the same name.

Interpretation of the word "holiday," in Acts of Parliament. 3. In construing any Act of the Parliament of Canada, passed or to be passed, the word "holiday" shall be held to include "Dominion Day," as if the same were mentioned in the "*Interpretation Act*," section seven, "Fifteenthly," which is hereby amended to that effect.

Provision in case of the last day of grace on a bill or note, being Dominion Day. 4. Whenever the day which would otherwise be the day for the payment or the last day of grace for the payment of any bill of exchange or promissory note, payable at any place in the Dominion of Canada is Dominion Day, such bill or note shall be payable, and the days of grace thereon shall expire, on the day next thereafter, not being a legal holiday or non-juridical day, and not before.

CHAP. 48.

An Act to provide for the Liquidation of the affairs of Building Societies in the Province of Quebec.

[*Assented to* 15*th May*, 1879.]

Preamble.

WHEREAS a large number of persons of limited means have invested their earnings in Building Societies in the Province of Quebec, and on account of a long period of depression such persons are exposed to lose their earnings for want of means to continue the payment of their contributions, and it is expedient to come to their relief by providing a speedy and inexpensive mode of liquidating the affairs of such societies in the said Province: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Liquidation may be resolved upon at any general meeting after notice.

1. Any Building Society in the Province of Quebec may, at any annual general meeting, or at any special general meeting, by a majority of two-thirds of the votes of the members present in person or by proxy at such meeting,—each member being entitled to one vote for every share then held by him,—adopt a resolution for the liquidation of the society's affairs; provided that public notice of such meeting, and of the proposal to liquidate to be made thereat, shall have been given at least fifteen days previously in a French newspaper and in an English newspaper in the locality; and provided also that a special notice, containing the same information as the public notice, shall have been sent by post to each member of the society at least fifteen days before such meeting; and from and after the adoption of such resolution the society shall be deemed to be in liquidation.

Its effect.

Liquidators may then be appointed.

2. The shareholders may, at the same meeting, by a majority of the votes given, appoint three or five Liquidators, who shall take the place of the directors then in office, and shall be charged with the duty of liquidating the affairs of the society; and any director then in office may be appointed a liquidator.

President. Quorum. Decision of questions.

3. The liquidators shall elect one of their number to be their president; and the majority of the liquidators shall form a quorum of the Board of Liquidators; and every question shall be decided by the majority of the votes of the liquidators present at the meeting of the board at which it is put to the vote; and the president shall have a casting vote.

4.

4. The liquidators shall have all the powers conferred, and be subject to all the obligations towards the shareholders imposed, by law and by the by-laws of the society, upon the directors. Nevertheless the society shall not transact any business except such as may be requisite for the purpose of accomplishing the liquidation; and the liquidators shall proceed with diligence to realize all the assets of the society without any unnecessary sacrifice; and to that end they may dispose, either by private sale or by auction, of the movable and immovable property of the society, including the debts due to it, and they may compound and compromise with the society's debtors, and do whatever they may deem to be advisable in order to the liquidation of the affairs of the society on the most advantageous terms.

Powers and duties of liquidators.

Proviso.

Realising assets, disposing of claims, &c.

5. After paying the society's debts, the liquidators shall divide from time to time, and at such times as they shall decide themselves, by way of dividend, what they have realized from the assets. This division shall be made proportionally to the amount paid in by each shareholder; but no shareholder in arrear on the payment of his calls shall be entitled to participate in the division so long as the other shareholders shall not have been reimbursed in full for the payment of those calls which he shall have neglected to pay; and every shareholder so in arrear shall be charged with interest at the rate of six per cent. per annum on the amount of his calls due and unpaid, and such interest shall diminish in proportion to the amount which shall be reimbursed to the other shareholders in respect of the same calls.

Division of amounts realized from sale of assets.

How made and who to participate in, &c.

6. In case it should be resolved to pay some of the members by means of transfers of claims or moneys due to the society, it shall be lawful for the liquidators to divide the debts due to the society into several parts, and to transfer a part or parts to different members; and the debtors of whose debts such transfers may be made shall suffer such division and pay to the creditors so delegated;—provided, however, that no debt shall be divided into more than four parts, and that the debtor shall not be bound to pay elsewhere than at his domicile, if he has any, where the debt was contracted; and if he has no domicile, then he shall be bound to pay at the domicile or elected domicile of the creditors in the place where the debt was contracted.

Members may be paid by transfer of claims.

Effect of transfer.

7. The principal money due under every obligation executed by any shareholder in favour of the society, the day of payment of which is undefined, or which is appointed to be paid on the extinction of any class, shall continue to become payable according to the terms of the obligation itself, and of the by-laws of the society; but moreover, the liquidators may, from time to time, exact on account of the principal moneys of such obligations the payment of such

As to payment of principal money due to the Society under obligations.

such amounts as may be necessary for the purpose of placing the shareholders on a footing of equality with respect to the final result of the liquidation; but such amounts shall not become payable until after a month's notice to the debtors.

Provision when appropriations to members are payable by terms without interest.

8. In any society or societies where the appropriations obtained by members are repayable to the society in payments extending over a term of years without interest, then the members having obtained any such appropriation or appropriations, and being bound by obligation or otherwise so to repay the same, shall pay to the said liquidators in addition to the principal sum or sums so received by them, and each of them, a sum of money which shall be equivalent to interest at the rate of seven per centum per annum, for the time for which they and each of them shall have had the use of the said principal sum or sums, or any portion thereof;—the said amount so to be payable for interest to be computed from the time each of such members received the principal sum of each appropriation up to the time that he shall have repaid it in full, and in such manner that he shall pay interest for the length of time he shall have had the said sum or sums and each or any portion thereof, on the said sum or sums or on the portion or portions thereof he shall have had and not repaid as the case may be. The total amount of the said interest having been so ascertained the said liquidators shall credit, on account thereof, the said debtor with the amount of weekly subscriptions paid in by him upon the subscription book on which he has obtained any such appropriation, up to the date of the liquidation of such society, and shall apportion the balance into payments to be made at such times as they may fix during and beyond the term granted for the repayment of the principal sum of the said appropriation:

Proviso.

provided always, that the said debtor shall not be obliged to pay in any one year, as such interest, any larger sum than the amount which, had the society continued in operation, he would have been bound to pay in such year as subscriptions on the subscription book, on which he obtained such appropriation;

As to amount paid as premiums for appropriation.

No amount paid by any member as premium or bonus for the obtaining of any appropriation shall be credited on account of or imputed in deduction of the said amount to be paid by him as interest, under the foregoing provisions.

Liquidators to obey orders from meetings.

9. The liquidator or liquidators shall give such security and shall receive such remuneration as may be determined upon at a meeting of the shareholders, and shall be at all times bound to obey orders given to them by resolutions adopted at a regular meeting of the members, and may be dismissed

And pay over on dismissal.

at any such meeting; and on their dismissal they shall hand over all the assets of the society, as well as all its books and

and papers, to their successors, or to any person appointed by such meeting, under a penalty of fifty dollars for every day of retention of any such assets, books or papers,—which penalty may be recovered by any member of the society by civil action as a debt, and shall be enforceable by imprisonment until paid.

10. The shareholders in general meeting assembled may authorize the division in kind of the whole or a part of the property of the society, and also the payment in kind of the proportional amount accruing to any shareholder in respect of his shares; they may also authorize the sale in one lot of all the assets of the society, on such terms as they may see fit; they may also authorize the liquidators to purchase for the benefit of the society the rights of any shareholder, and to pay for the same either in money or in kind,—that is to say, with the property of the society.

Shareholders may authorize division in kind of the property of the Society.

11. The liquidators shall not be subject to any greater responsibility than the directors of the society are subject to by law and by the by-laws of the society. Their remuneration shall be fixed by the shareholders in general meeting assembled, and they shall be bound to give such security as the shareholders may require. They shall be subject to instructions from the shareholders, in so far as the same may be compatible with the laws and with the by-laws of the society. They may be removed from office by the shareholders at any meeting, and replaced by others; and in the case of any vacancy arising among them, either by death, refusal to act, incapacity, removal from office or otherwise, such vacancy shall be filled by the shareholders at any general meeting; and until any such vacancy has been filled the liquidators remaining in office shall continue to exercise the same powers; but it shall be their duty to call, with all convenient speed, a meeting of the shareholders for the purpose of filling the vacancy.

Responsibility, remuneration and tenure of office of liquidator.

Removal and filling vacancies.

12. The liquidators shall make a report of the state of the society's affairs to the shareholders at each annual general meeting, and at such other meetings as the shareholders may determine upon for that purpose; and on the occasion of the final liquidation the liquidators shall make a report to a final meeting of the shareholders, called for that purpose, which report shall be subject to the approval of the meeting; and such meeting shall then have power to dissolve the society and to surrender its charter, which shall thereupon expire and become null and void: and at such final meeting the shareholders may make such orders as they think fit with respect to the custody of the books, papers and records of the society; provided always that if there remain debts to be paid to unknown creditors, or to creditors to whom payment cannot be made, the liquidators shall deposit the amount

Interim and final reports of liquidators to meetings of shareholders, and dissolution of Society at final meeting.

Proviso, as to unknown creditors.

amount in the hands of the Treasurer of the Province of Quebec, under the authority of chapter five of the Acts of the Legislature of the Province of Quebec, passed in the thirty-fifth year of Her Majesty's reign, intituled "An Act respecting Judicial and other Deposits," and of the Acts amending the said Act, and shall, in so doing, comply with the formalities prescribed by the said Acts; and the charter shall not be surrendered until after such deposit has been made.

Act of Quebec 35 V., c. 5, cited.

Cessation of fines.

13. No fine shall be incurred after the day on which liquidation is resolved upon.

Addresses of shareholders to be left at office.

14. Every shareholder shall leave his address, in writing, at the society's office; and every special notice required by this Act shall be sent to such address; and in case any shareholder neglects to conform to the above requirement, such notices shall be addressed to him at his last known place of residence, and if there is none such, then at the place where the society has its principal office or place of business.

Power to any fifteen shareholders to call a special meeting for the purposes of this Act.

15. Any fifteen shareholders of any Building Society in the Province of Quebec shall have power to call a special general meeting of the shareholders thereof for the purposes of this Act, by giving public notice thereof in conformity with the first section of this Act.

Limitation of application of Act.

16. This Act shall not apply to permanent shares of any Building Society, if such shares are all paid and converted into unredeemable stock, unless three-fourths of the members present at a meeting held for the purpose of liquidating agree to liquidate.

CHAP. 49.

An Act respecting Building Societies carrying on business in the Province of Ontario.

[*Assented to* 15*th May*, 1879.]

Preamble.

WHEREAS by the second section of the Act passed in the fortieth year of Her Majesty's Reign, chapter forty-nine, it is enacted as follows:—"The aggregate amount of money deposits in the hands of any such society, together with the amount of its debentures issued and remaining unpaid, may be equal to, but shall not, at any time, exceed double the amount of the unimpaired, capitalized, fixed and permanent stock in such society, not liable to be withdrawn therefrom: Provided always, that the amount held by any society on deposit shall not exceed the amount

Sect. 2 of 40 V., c. 49, cited.

And its Proviso.

amount of the paid-up and unimpaired capital of such society, and that the total liabilities of any such society shall not at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by such society; and that, in estimating the liabilities of any such society, the amount of cash actually in the hands of such society or deposited to its credit in any chartered bank, shall be deducted therefrom: and that in estimating the unimpaired, capitalized, fixed and permanent stock of any such society the amount of all loans or advances made by it to its shareholders upon the security of their stock shall be deducted therefrom."

And whereas, doubts may arise as to the meaning of the words "liabilities of such society" where the same occur in the said section;

And whereas, it is expedient to remove such doubts and to amend the said Act:

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain words in section 2 of 40 V., c. 49 interpreted.

1. In the said section the words "liabilities of such Society," or "total liabilities of such Society," shall be taken to mean, and are hereby declared to mean, only the liabilities of any such society to the public, and shall not be taken to include, and it is hereby declared that the same do not include the liability of any such society to its shareholders in respect of its capital stock, or otherwise to its shareholders as such.

Permanent Building Societies in the Province of Ontario under Dominion laws, may carry on business in the Province of Manitoba in and the North-West Territories.

2. Any permanent building society carrying on business in the Province of Ontario, under the laws of the Dominion, having a fixed and permanent capital stock of not less than one hundred thousand dollars, is hereby authorized to carry on business in the Province of Manitoba, or in the North-West Territories, or in any Province that may be formed out of the same; and for such purpose is hereby declared to be a body corporate with all the powers, privileges and liabilities heretofore enjoyed by such society in the Province of Ontario only.

And may hold real estate.

3. Any such society may hold, absolutely, real estate for the purposes of or in connection with its place or places of business, not exceeding the annual value of ten thousand dollars; but this section shall not affect any action or suit now pending.

In case of the transmission of interest in

4. If the interest of any person or persons in any share or shares in the capital stock, or in any bond, debenture or obligation

any share, &c., otherwise than by transfer, directors may require a written declaration showing the nature of such transmission.

gation of any such society,—such bond, debenture or obligation not being payable to bearer,—hath become, or shall become transmitted in consequence of the death, or bankruptcy or insolvency of any such holder, or in consequence of the marriage of a female holder or by any other lawful means other than a transfer upon the books of the society, the directors shall not be bound to allow any transfer pursuant to such transmission to be entered upon the books of the society, or to recognize such transmission in any manner until a declaration in writing, shewing the nature of such transmission, and signed and executed by the person or persons claiming by virtue of such transmission, and also executed by the former shareholder, if living and having power to execute the same, shall have been filed with the manager of the society, and approved by the directors; and if such declaration purporting to be signed and executed shall also purport to be made or acknowledged in the presence of a Notary Public, or of a judge of a court of record, or of a mayor of any city, town or borough or other place, or a British Consul or Vice-Consul, or other accredited representative of the British Government in any foreign country, the directors may, in the absence of direct actual notice of a contrary claim, give full credit to such declaration, and unless the directors are not satisfied with the responsibility of the transferee, shall allow the name of the party claiming by virtue of such transmission to be entered in the books of the society.

What shall be sufficient justification of directors for recognizing transmission if by will or intestacy.

5. If such transmission has taken place or shall hereafter take place by virtue of any testamentary act or instrument, or in consequence of an intestacy, the probate of the will, or letters of administration, or act of curatorship, or testament testamentary, or testament dative expede, or other judicial or official document under which the title, whether beneficial or as trustee, or the administration or control of the personal estate of the deceased, shall purport to be granted by any court or authority in the Dominion of Canada, or in Great Britain or Ireland, or any other of Her Majesty's Dominions, or in any foreign country, or an authenticated copy thereof, or official extract therefrom, shall, together with the said declaration, be produced and deposited with the manager; and such production and deposit shall be sufficient justification and authority to the directors for paying the amount or value of any dividend, coupon, bond, debenture or obligation or share, or transferring, or consenting to the transfer of any bond, debenture or obligation or share, in pursuance of and in conformity to such probate, letters of administration or other such document as aforesaid.

Provision for case of directors having reasonable doubts

6. Whenever the directors shall entertain reasonable doubts as to the legality of any claim to or upon such share or shares, bonds, debentures, obligations, dividends, coupons, or the proceeds

ceeds thereof, then and in such case it shall be lawful for the society to file in any one of the superior courts of law, or in the Court of Chancery, in the Province of Ontario, a petition stating such doubts, and praying for an order or judgment adjudicating and awarding the said shares, bonds, debentures or obligations, dividends, coupons or proceeds to the party or parties legally entitled to the same: and such court shall have authority to restrain any action, suit or proceeding against the society, the directors or officers thereof, for the same subject matter, pending the determination of the said petition; and the society and the directors and officers thereof shall be fully protected and indemnified by obedience to such order or judgment against all actions, suits, claims and demands in respect of the matters which shall have been in question in such petition, and the proceedings thereupon: Provided always that, if the court adjudges that such doubts were reasonable, the costs, charges and expenses of the society, in and about such petition and proceedings, shall form a lien upon such shares, bonds, debentures or obligations, dividends, coupons or proceeds, and shall be paid to the said society before the society shall be obliged to transfer or assent to the transfer, or to pay such shares, bonds, debentures or obligations, dividends, coupons or proceeds to the party or parties found entitled thereto. as to legality of any claim to any share, &c.

7. The word "Society" in this Act shall also include and mean "Company." "Society" interpreted.

CHAP. 50.

An Act to remove doubts as to the true intent and meaning of certain provisions of "The Canada Temperance Act, 1878," and to make certain amendments thereto in so far as the said Act relates to Manitoba.

[*Assented to* 15*th May* 1879.]

WHEREAS it is provided by "*The Canada Temperance Act* 1878" that, as to every municipality within the limits of the late Province of Canada, in which a by-law passed and approved, or adopted and passed under the authority and for the enforcement of "*The Temperance Act of* 1864," is, at the time of the passing of the said "*The Canada Temperance Act*, 1878," (*a*) in force, or (*b*) only not in force for want of delivery of a copy thereof to the proper officer, or (*c*) suspended as to its operation until the expiration of the then existing licenses, the sections one, two, three, four, five, six, seven, eight, nine and ten of the said Preamble. 41 V., c. 16. Recital. 27, 28 V., c. 18.

said "*The Temperance Act of* 1864" shall be repealed, from and after the day next following the day on which such by-law is repealed, under the provisions of the said last named Act or of the said "*The Canada Temperance Act*, 1878;"

Recital.

And whereas it is provided by the Act last mentioned, if proceedings to repeal such by-law be taken under the provisions of "*The Canada Temperance Act*, 1878," such by-law shall become and be repealed upon, from and after the day of the publication of the proper Order in Council in that behalf in the *Canada Gazette*;

Recital.

And whereas, if proceedings to repeal such by-law be taken under the provisions of the said "*The Temperance Act of* 1864," doubts have arisen whether, having reference to the eighth section of the said Act, such by-law becomes repealed immediately upon the passing of the repealing by-law with the necessary approval of the electors, or whether the repeal of such by-law is suspended in the Province of Quebec (formerly Lower Canada) until the first day of May, and in the Province of Ontario (formerly Upper Canada) until the first day of March, next after the passing of the repealing by-law;

Recital.

And whereas it is expedient to remove such doubts, and to assimilate the effect of the proceedings to repeal, whether taken under "*The Canada Temperance Act*, 1878" or "*The Temperance Act of* 1864:"

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Intent of sec. 3 of 41 V., c. 16 declared, as to when the repeal of 27, 28 V., c 18 is to take effect.

1. The true intent and meaning of the third section of "*The Canada Temperance Act*, 1878" was and is, that sections one, two, three, four, five, six, seven, eight, nine and ten of "*The Temperance Act of* 1864" become repealed as to every municipality referred to in the preamble of this Act, upon, from and after the day next following the day on which the repealing by-law above referred to, passed under the provisions of "*The Temperance Act of* 1864," has been duly passed according to such provisions; and the repeal of such sections is not suspended till the first day of May or the first day of March next after the passing of such repealing by-law.

Provision as to the word "County" as regards the Province of Manitoba.

2. Whereas it has been found that, under the present county organization in the Province of Manitoba, the Canada Temperance Act, 1878, cannot properly be brought before the people inhabiting the rural districts: Therefore, wherever in the Canada Temperance Act, 1878, the word "county" is used, it shall, when applied to the Province of Manitoba, be

be regarded as meaning the electoral districts therein, in accordance with the divisions of the said Province at the general election of 1878, for the House of Commons, except the Electoral District of Selkirk, from which, for the purposes of the said Act, the City of Winnipeg is to be regarded as separate: Provided always that, at any future time, when the said Province shall have been divided into counties, and a regular municipal organization established in each of the then counties, the said Act, as it now stands, shall be applied to the then counties, as in the other Provinces of the Dominion. Proviso.

3. The notice provided for in section six of the said Act shall, so far as relates to Manitoba, be deposited in the registry offices in the respective electoral districts, or in the sheriffs' offices in such districts. As to notice under s. 6 in Manitoba.

4. In the schedules of the said Act, where the word 'county' occurs, it shall, so far as the Province of Manitoba is concerned, be regarded as meaning 'Electoral District,' until such time as the Province shall have been divided as contemplated in the proviso in section one of this Act. Word "County" in schedule, how to apply in Manitoba.

CHAP. 51.

An Act to amend so much of the Act thirty-third Victoria, chapter forty-six, as relates to the imposition and collection of dues and tolls upon logs, timber, pine, cedar and railway ties, passing down the River Moira through the Port of Belleville.

[*Assented to* 15*th May*, 1879.]

WHEREAS certain persons engaged in the manufacture of lumber, timber, railway ties and other stuff in the Bay of Quinté, and who float in each year down the Moira River, and through the Port of Belleville large quantities of saw logs, timber, cedar and railway ties, have represented by their petition that the dues now imposed by the corporation of the City of Belleville are excessive and unjust, and that no provision is made by the said corporation in return for the said tolls or adequate thereto, for the safety or protection of the stuff brought down the said river, and have prayed that the Act thirty-third Victoria, chapter forty-six, intituled "*An Act to authorize the Town of Belleville to impose and collect Harbour Dues, and for other purposes,*" may be amended as is hereinafter mentioned; and whereas it is expedient to grant Preamble. 33 V., c. 46.

grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Provision as to certain tolls, added to Sect. 1, of 33 V., c. 46.

1. The first section of the Act passed in the thirty-third year of the reign of Her Majesty Queen Victoria, chaptered forty-six, intituled "*An Act to authorize the Town of Belleville to impose and collect Harbour Dues, and for other purposes,*" is hereby amended by adding thereto the following words: "Provided always, and it is hereby enacted, that the Corporation of the Town of Belleville may, from time to time, alter, amend or change the said dues or tolls so fixed, or any part of them, subject always to revision by the Governor in Council, as in this Act hereinafter provided."

Governor may alter tolls.

2. The Governor in Council shall have the power, on proper cause shewn, and he is hereby authorized to revise, alter, amend or change the said tolls, or any part of them, to such extent as the justice and right of the case may require.

Booms to be made and maintained while tolls are collected.

3. So long as the Corporation of the City of Belleville collects dues or tolls upon logs, timber, pine, cedar and railway ties passing down the Moira River, through or into the Port of Belleville, or through or into the said harbour, it shall be the duty of the said corporation to make and maintain proper and sufficient piers and booms, in the said harbour, to protect the said logs, timber, pine, cedar and railway ties from escaping into the Bay of Quinté, in order to the sorting and separation of the said property by the respective owners thereof: Provided however, that the said corporation shall not be responsible for the escape of any such logs, timber, pine, cedar or railway ties, by reason of the accidental or other breaking or cutting of the said booms and piers, so long as the said piers and booms are kept and maintained in a proper and efficient state of repair.

Proviso. Corporation not responsible in certain cases.

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Erratum.—Page 17, heading "*British Columbia*,"

For "Public Buildings, repairs........ 5,000 00"
Read "Public Buildings, repairs........ 5,500 00"

As in the French version, which is correct.

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